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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046185
Party	Plaintiff Amanda Blackhorse, Marcus Briggs, Phillip Gover, Shquanebin Lone-Bentley, Jillian Pappan, and Courtney Tsotigh
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Signature	/Jesse A. Witten/
Date	03/21/2012
Attachments	Notice of Deposition - Blackhorse transcript.pdf ( 211 pages )(5491181 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 1,606,810 (REDSKINETTES)  
Registered July 17, 1990,

Registration No. 1,085,092 (REDSKINS)  
Registered February 7, 1978,

Registration No. 987,127 (THE REDSKINS & DESIGN)  
Registered June 25, 1974,

Registration No. 986,668 (WASHINGTON REDSKINS & DESIGN)  
Registered June 18, 1974,

Registration No. 978,824 (WASHINGTON REDSKINS)  
Registered February 12, 1974,

and Registration No. 836,122 (THE REDSKINS—STYLIZED LETTERS)  
Registered September 26, 1967

Amanda Blackhorse, Marcus Briggs,	)	
Phillip Gover, Jillian Papan, and	)	
Courtney Tsotigh,	)	
	)	
Petitioners,	)	
	)	
v.	)	Cancellation No. 92/046,185
	)	
Pro-Football, Inc.,	)	
	)	
	)	
Registrant.	)	
_____	)	

**PETITIONERS' NOTICE OF FILING OF DEPOSITION OF AMANDA BLACKHORSE**

PLEASE TAKE NOTICE that Petitioners Amanda Blackhorse, Marcus Briggs-Cloud, Phillip Gover, Jillian Pappan, and Courtney Tsotigh hereby file the transcript of the deposition of Amanda Blackhorse along with the exhibits used at the deposition.

On March 14, 2011, Petitioners and Registrant Pro-Football, Inc. filed a Joint Stipulation Regarding Admissibility of Certain Evidence and Regarding Certain Discovery Issues [Docket No. 31], which, among other things, provided that depositions of Petitioners taken during the discovery period shall be admissible to the same extent as if taken during the testimony period. The Board commended the parties for reaching the stipulation. *See* Order Summarizing Pre-Trial Conference of May 5, 2011 [Docket No. 39] at 4-5.

Pursuant to the Joint Stipulation, Registrant took the deposition of Amanda Blackhorse during the discovery period. Petitioners are filing the entire transcript and all deposition exhibits out of an abundance of caution in light of 37 CFR § 2.125, which calls for the filing of an entire transcript and all exhibits of a deposition taken during the testimonial period. Certain portions of the deposition, which will be cited in Petitioners' trial brief, are relevant to show that Petitioner Amanda Blackhorse has standing under 15 U.S.C. § 1064 and to address Registrant's affirmative defense of laches. However, by filing the entire transcript and all deposition exhibits, Petitioners do not concede that material that is not cited in their trial brief is admissible and relevant.

Respectfully Submitted,

Dated: March 21, 2012

/Jesse A. Witten/  
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*Counsel for Petitioners*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 21, 2012, he caused a copy of the foregoing Petitioners' Notice of Filing of Deposition of Amanda Blackhorse and the Attachment to Petitioners' Notice of Filing of Deposition of Amanda Blackhorse to be served via Federal Express upon the following:

Robert Raskopf  
Claudia T. Bogdanos  
Todd Anten  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
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New York, NY 10010

/Jesse A. Witten/

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Amanda Blackhorse, Marcus Briggs,  
Phillip Gover, Jillian Papan, and  
Courtney Tsotigh,

Petitioners,

v.

Pro-Football, Inc.,

Registrant.

Cancellation No. 92/046,185

**DEPOSITION ERRATA – AMANDA BLACKHORSE**

I, Amanda Blackhorse, the witness in a deposition taken in the above action on June 22, 2011, submit the attached corrections to the transcript of that deposition. The attached document reflects the changes, errors and corrections that I noted with respect to the transcript.

  
Amanda Blackhorse

Dated: August 3, 2011

# ERRATA SHEET – AMANDA BLACKHORSE (JUNE 22, 2011)

PAGE	LINE	FROM	TO	REASON
12	12	“No.”	“No, aside from my attorneys.”	Clarification after further reflection on the drafting process.
12	17	“Yes.”	“Yes, except for my attorneys.”	Clarification after further reflection on the drafting process.
13	19	“Yes.”	“Yes, with assistance from my attorneys.”	Clarification after further reflection on the drafting process.
13	21	“Yes.”	“Yes, except for my attorneys.”	Clarification after further reflection on the drafting process.
15	13	“Uh-huh.”	“Yes, except that I received assistance from my attorneys.”	Clarification after further reflection on the drafting process.
32-33	32.22-33.3	“Well, the reason why I went to university was because our tuition was less than a hundred dollars, and I had no financial means to attend university, so I went to Haskell.”	“Well, the reason I went to Haskell University was because our tuition was less than one hundred dollars and I had no financial means to attend a big university, so I went to Haskell. I also wanted to attend school amongst my fellow tribal people.”	Clarification
41	13-14	“Well, it has – it seems very serious, stoic like. Yeah.”	“Well, it has a very serious, stoic, and stern face.”	Clarification
48	22	“I don’t think so.”	“No. I did not ask for a leave of absence. I just did not return the next semester.”	Clarification following further reflection on attendance.
58	19	“Well, I don’t know who that – yes, at him.”	“At him as well.”	Clarification.
69	11	“Uh-huh.”	“We had contact when I was living in Missouri and she was living in Washington D.C. I did not know her when I was living in Kansas because we met in 2008 after I moved from Kansas.”	Clarification following further reflection.

PAGE	LINE	FROM	TO	REASON
109	21	"Uh-huh."	"I don't remember talking to Daniel about the Annenberg Poll. Rather, I remember speaking generally about polls."	Clarification.
120	15-17	"And I am a part of a community. And I am a Native person. And I'm saying that I'm offended by it."	"I am part of the Native American community and I am a Native person who is saying I am offended by the designation Washington Redskins. I believe my statement is representative of the community."	Clarification.
122	10	"Uh-huh. Are they Native American."	"Are they Native American?"	Clarification.
187	6	"I don't know."	"I don't remember."	Clarification.
191	9-11	"Because they mocked Native – they mocked the way that the – the way that supposedly Native women or Native people dress."	"Because they mocked Native – they mocked the way that the – the way that supposedly Native women or Native people dress. They are stereotyping Native women in their dress and their behavior."	Clarification.
192	9-16	"Well, there's two different things. There's the sexually inappropriate behaviors and the dress that both teams use, which I think is demeaning to women."	"Well, there's two different things. There's the sexually inappropriate behaviors and the dress that both teams use, which I think is demeaning to women. The redskinettes are disrespecting native women through fake costume and dress, perpetuating the mockery the football team uses in depicting the way Native women look."	Clarification.
196	17	"Ashii"	"Ashihii"	Clarification.
196	20	"Tsinagini, I don't have a translation for that. And"	"Tsi naajinii, which means Black Streak of Forest People. And"	Clarification.

PAGE	LINE	FROM	TO	REASON
196	21	"Ashii"	"Ashihii"	Clarification.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

- - - - -x

AMANDA BLACKHORSE, MARCUS BRIGGS, :

PHILLIP GOVER, SHQUANEBIN :

LONE-BENTLEY, JILLIAN PAPPAN, :

AND COURTNEY TSOTIGH, :

Petitioners, : Cancellation No.

v. : 92/0467,185

PRO-FOOTBALL, INC., :

Registrant. :

- - - - -x

(Caption continues on next page)

Deposition of AMANDA LEEH BLACKHORSE

Washington, DC

Wednesday, June 22, 2011

8:57 a.m.

Reported by: Debra A. Whitehead

1 (Caption continued from previous page)

2 - - - - - x

3 In Re Registration No. 1,606,810 (REDSKINETTES) :

4 Registered July 17, 1990; :

5 Registration No. 1,085,092 (REDSKINS) :

6 Registered February 7, 1978; :

7 Registration No. 987,127 (THE REDSKINS & DESIGN) :

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13 Registered February 12, 1974; :

14 And Registration No. 836,122 (THE REDSKINS-STYLIZED :

15 LETTERS), Registered September 26, 1967 :

16 - - - - - x

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22

1           Deposition of AMANDA LEEH BLACKHORSE, held at  
2           the offices of:

3  
4  
5           DRINKER BIDDLE & REATH LLP  
6           1500 K Street, NW  
7           Suite 1000  
8           Washington, DC 20005  
9           (202) 842-8800

10  
11  
12  
13  
14           Pursuant to Notice, before Debra A. Whitehead,  
15           an Approved Reporter of the United States District  
16           Court and Notary Public.

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A P P E A R A N C E S

ON BEHALF OF PETITIONERS:

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ANASTASIA DANIAS, National Football League

## C O N T E N T S

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## E X H I B I T S

(Attached to transcript)

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P R O C E E D I N G S

AMANDA LEEH BLACKHORSE

having been duly sworn, testified as follows:

EXAMINATION BY COUNSEL FOR REGISTRANT

BY MR. RASKOPF:

Q Will you state your full name, for the  
record?

A Amanda Leeh Blackhorse.

Q And you are one of the petitioners in this  
case?

A Yes.

Q And where do you reside at present?

A Tucson, Arizona.

Q And how long have you lived in Tucson?

A It's been almost a year now.

Q You were born on February 20th, 1982.  
Is that right?

A Yes.

Q So that would make you almost 30?

A Twenty-nine.

Q Twenty-nine. Okay.

And have you ever seen the petition for

1       cancellation in this case before?

2             A     Have I seen the petition?

3             Q     The petition for cancellation.

4             A     The actual, the documents?

5             Q     Yes, the actual petition.

6             A     Yes.

7             Q     I show you a document that's already been  
8 marked at Mr. Gover's deposition. And I'm handing it  
9 to you. It's Gover-1 for identification.

10            Is that the petition that you just told me  
11 about?

12            A     (Witness shakes head.)

13            Q     You can leave it there. I might ask you a  
14 few questions about it.

15            Is the answer yes or no?

16            A     Yes.

17            Q     So that is the petition for cancellation --

18            A     Yes.

19            Q     -- at issue in this case?

20            A     Yes.

21            Q     All right. And did you read this petition  
22 before it was filed?



1           A    Yes.

2           Q    And do you subscribe to the contents of the  
3 petition?

4           A    Yes.

5           Q    And is the petition fair and accurate, as  
6 far as you are concerned?

7           A    Uh-huh.  Yes.

8           Q    Is there anything that you consider false  
9 or misleading in the petition for cancellation?

10          A    No.

11               MR. RASKOPF:  Mark this Blackhorse 1 for  
12 identification.

13               (Blackhorse Exhibit 1 marked for  
14 identification, to be attached to the transcript.)

15       BY MR. RASKOPF:

16          Q    Now, in connection with subsequent  
17 proceedings in this case, did there come a time when  
18 you provided some answers to interrogatories that my  
19 client posed to you?

20          A    Would that be the -- the interrogatories  
21 that we did?

22          Q    Do you remember a document called response

1 to interrogatories, or something like that?

2 A Yes.

3 Q All right. And do you remember working on  
4 such a document?

5 A Yes.

6 Q I show you Exhibit 1, Blackhorse Exhibit 1,  
7 and ask you if that constitutes your response to  
8 respondent's first set of interrogatories?

9 A Yes, I remember this.

10 Q And is the information contained in your  
11 response to the interrogatories, Exhibit 1, fair and  
12 accurate?

13 A Yes.

14 Q Is there anything false or misleading in  
15 the interrogatory responses, as far as you're  
16 concerned, as you sit here today?

17 A Is anything false or misleading?

18 Q Yes.

19 A No. I mean, I don't -- I don't know what  
20 you mean by false or misleading.

21 Q You don't -- well, let's take it one word  
22 at a time.

1           A    I gave you all the information that I have,  
2           and I answered the questions to the best of my  
3           ability.

4           Q    And there was nothing that you answered  
5           that you thought was --

6           A    No.

7           Q    -- that you stated that you thought was  
8           false when you wrote it?

9           A    Yeah, no, there's nothing in here that was  
10          false.

11          Q    Nor is there anything in here that you  
12          consider misleading?

13          A    No.

14          Q    Neither now nor at the time that you  
15          provided the response.  Correct?

16          A    Correct.

17          Q    And did you draft those responses yourself?

18          A    Yes.

19          Q    Did anyone assist you in the preparation of  
20          the responses to those interrogatories?

21               MR. ROACH:  Objection.  Privileged.

22          BY MR. RASKOPF:

1           Q    You may answer the question.

2           MR. RASKOPF:  Unless you're instructing her  
3 not to answer.

4           MR. ROACH:  No.

5 BY MR. RASKOPF:

6           Q    Okay.  Go ahead.

7           A    I answered the questions that were given to  
8 me to the best of my ability.

9           Q    I recognize that.  But my question is  
10 whether anyone assisted you in answering those  
11 questions?

12          A    No.

13          Q    And so is it your testimony that you wrote  
14 each of the responses to the -- to each of the  
15 interrogatories, other than the objections, on your  
16 own, without any assistance?

17          A    Yes.

18          Q    Could you turn to Interrogatory Number 17.

19          A    Page 17?

20          Q    Interrogatory Number 17, on Page 16.

21          A    Okay.

22          Q    Sorry for not being too clear.

1 MR. RASKOPF: Off the record.

2 (Discussion off the record.)

3 A Seventeen. Right?

4 Q Seventeen.

5 Would you read the response to  
6 Interrogatory Number 17. Let me put it this way: The  
7 first sentence of your response to Interrogatory 17  
8 reads as follows, and correct me if I'm wrong: "Many  
9 dictionaries" -- this is withdrawn. This is after the  
10 objection that is made by counsel.

11 A Uh-huh.

12 Q "Many dictionaries and other reference  
13 sources support the belief that the term 'redskin' is,  
14 quote, pejorative, derogatory, denigrating, offensive,  
15 scandalous, contemptuous, disreputable, and racist."

16 Do you see that?

17 A Uh-huh.

18 Q And you wrote that yourself?

19 A Yes.

20 Q Without any help from anyone?

21 A Yes.

22 Q Are you aware of an individual named

1 Mr. Gover, Mr. Phillip Gover?

2 A Uh-huh. Yes.

3 Q And do you know that he has also supplied  
4 answers to interrogatories in connection with this  
5 case?

6 A I believe so, I mean.

7 Q Have you ever seen his answers to  
8 interrogatories?

9 A No.

10 Q This is in evidence. This is Mr. Gover's  
11 Exhibit 12. We took his deposition last week. And  
12 I'm going to show you Exhibit 12 and show you the  
13 first sentence of Exhibit 12 after the objection  
14 lodged by petitioner.

15 A Sixteen?

16 Q I'm sorry. Sixteen, yes, correct.

17 And that answer is, quote, "Many  
18 dictionaries and other reference sources support the  
19 belief that the term 'redskin' is quote pejorative,  
20 derogatory, denigrating, offensive, scandalous,  
21 contemptuous, disreputable, and racist."

22 Now, that's identical to the first sentence

1 of the response that you provided after the objection.

2 Right?

3 A Yes.

4 Q And is it still your testimony that you --

5 A Well, hold on. Let me get that.

6 Q Go ahead. Take your time.

7 A Okay.

8 Q They're identical. Right?

9 A Yes.

10 Q They are. Okay. And it's still your  
11 testimony that you prepared your answer on your own,  
12 without your assistance from anyone. Is that correct?

13 A Uh-huh.

14 Q You didn't speak to Mr. Gover about your  
15 response. Right?

16 A No.

17 Q Would you compare the response to Number 17  
18 that you gave and Mr. Gover's response to his Number  
19 16 as he gave in full. Could you --

20 MR. ROACH: Objection. Ambiguous.

21 BY MR. RASKOPF:

22 Q Okay. You can answer. Just look at them.

1 A I did.

2 Q Okay. You read his and you read yours?

3 A Yes.

4 Q From the beginning to the end?

5 A Uh-huh.

6 Q Is there anything different about those two  
7 answers?

8 MR. ROACH: Objection. Ambiguous.

9 MR. RASKOPF: Withdrawn.

10 BY MR. RASKOPF:

11 Q Are they the same answer?

12 A Yes.

13 MR. WITTEN: Excuse me. I just want to ask  
14 Lee a question.

15 BY MR. RASKOPF:

16 Q Now, you graduated high school in December  
17 1999?

18 A Yes.

19 Q I know we're taking you back a little  
20 while, not too far.

21 And where were you living at that time?

22 A When I graduated, in -- it's been so long.



1 Well -- oh, Grand Canyon.

2 Q You went to a high school called Esperanza  
3 Academy. Is that right?

4 A Uh-huh.

5 Q And you graduated in Esperanza in December  
6 1999?

7 A Yes.

8 Q And is that located in Grand Canyon,  
9 Arizona?

10 A Yes.

11 Q And when you graduated you were 17?

12 A Yes.

13 Q Is Esperanza a small school?

14 A Yes.

15 MR. ROACH: Objection. Ambiguous.

16 BY MR. RASKOPF:

17 Q Well, how many people attended, were in  
18 the -- received high school diplomas the year you  
19 received yours in 1999?

20 A I have no idea.

21 Q Was it more than ten?

22 A I don't know. I don't remember.

1 Q Was it more than 30?

2 A I don't remember.

3 Q What's your best recollection as to the  
4 approximate number, without pinning you to a specific  
5 number, but roughly, I mean, how many kids were in  
6 your high school graduation class?

7 A I don't remember.

8 Q At all?

9 A Yes.

10 Q Was it less than a hundred?

11 A Yes.

12 Q Was it less than 50?

13 A Yes, I would say so.

14 Q Did you attend Esperanza throughout high  
15 school?

16 A How does this relate to the case?

17 Q Yeah, that's for me to ascertain. So you  
18 have to answer the question.

19 A Okay. Repeat the question.

20 MR. RASKOPF: Could you read it back,  
21 please.

22 (The reporter read the record as follows:

1 "QUESTION: Did you attend Esperanza  
2 throughout high school?")

3 A No.

4 Q Okay. So you were at other high schools?

5 A Uh-huh.

6 Q Which other high schools did you attend?

7 A Before Greyhills, I attended -- I mean  
8 before Grand Canyon I attended Greyhills Academy. And  
9 before that it was Monument Valley High School. And  
10 before that it was Pinon -- Pinon High School.

11 Q Was Monument Valley High School located in  
12 Tuba City?

13 A No.

14 Q Where was that located?

15 A Monument -- Kayenta, Arizona.

16 Q Kayenta, Arizona.

17 A Uh-huh.

18 Q Okay. Did you attend high school  
19 continuously from the time you began high school until  
20 the time you graduated from Esperanza?

21 A Did I attend continuously?

22 Q Yes.

1           A    There may have been a couple of breaks in  
2   there, but ... I'm trying to remember. Do you  
3   remember from -- do you mean from, like, 9th grade to  
4   graduation?

5           Q    Yes. From the time you started 9th grade.

6           A    I may have taken a semester off.

7           Q    [REDACTED]

8   [REDACTED]

9           A    [REDACTED]

10          Q    [REDACTED]

11          A    [REDACTED]

12          Q    [REDACTED]

13   [REDACTED]

14          A    [REDACTED]

15   [REDACTED]

16   [REDACTED]

17   [REDACTED]

18          A    [REDACTED]

19          Q    [REDACTED]

20   [REDACTED]

21                    You graduated Esperanza in December of '99  
22   and moved to Lawrenceville, Kansas. Is that right?

1           A    Uh-huh.

2           Q    Sorry, Lawrence, Kansas.  Right?

3           A    Yes; Lawrence, Kansas.

4           Q    Did you attend school immediately after you  
5 moved to Lawrence, Kansas?

6           A    No.

7           Q    Did you work when you got to Lawrence,  
8 Kansas, in December 1999?

9           A    I don't remember.

10          Q    You lived there from December 1999 to  
11 December 2000.  Right?

12          A    Yes.

13               I worked in August of 2000.

14          Q    And what --

15          A    August, September.  I'm not too sure.  But,  
16 yes, I did work.

17          Q    So from December '99 to August 2000 you  
18 didn't work, but then you started working in August of  
19 2000?

20          A    Uh-huh.

21          Q    And what was your job?

22          A    I worked in a library.

1 Q Okay.

2 A At the university.

3 Q And you -- what university?

4 A Haskell University.

5 Q Was that a paid job?

6 A Yes.

7 Q You were a librarian or something else?

8 A Librarian. Well, librarian assistant.

9 Q Sure. Got it.

10 And how long did you do that for?

11 A Just that semester.

12 Q There came a time when you applied to  
13 college?

14 A Applied to?

15 Q College.

16 A Haskell?

17 Q Any college.

18 MR. ROACH: Objection. Ambiguous.

19 BY MR. RASKOPF:

20 Q Did there come a time when you applied to  
21 college?

22 A Yes.

1 Q And when was that?

2 A In the spring of 2000, I believe.

3 Q Did you apply to one college or more than  
4 one college?

5 A Just one.

6 Q And that was Haskell --

7 A Uh-huh.

8 Q -- University?

9 A Uh-huh.

10 Q And what caused you to apply to Haskell  
11 University?

12 A I wanted to go to college.

13 Q Were there any other colleges that you  
14 considered going to other than Haskell University?

15 A No.

16 Q You were working at Haskell University as  
17 an assistant librarian before that?

18 A No, no, no, no.

19 Q Not before that?

20 A So I applied in the spring, I got in for  
21 the fall.

22 Q Oh, okay.

1           A    Yes.  So that fall, in August, I started  
2 school.

3           Q    Okay.

4           A    Yes.  And so once I got into school, the  
5 librarian job was a work study.

6           Q    And what did you know about the school  
7 before you applied?

8           A    My sister went to school there.

9           Q    And when did your sister graduate from the  
10 school --

11           MR. RASKOPF:  Or withdrawn.

12 BY MR. RASKOPF:

13           Q    When did your sister attend the school?

14           A    I don't know.  I don't remember the dates.

15           Q    Was there any time after you arrived in  
16 Lawrence, Kansas -- I think your testimony was you  
17 started, you got to Lawrenceville in 19 -- sorry,  
18 Lawrence, in 1999 --

19           A    Uh-huh.

20           MR. RASKOPF:  -- withdrawn.  Sorry about  
21 that.

22 BY MR. RASKOPF:



1           Q    You were in Lawrence from December 1999 to  
2           December 2000. Then you came back to Lawrence before  
3           you started school in September 2001. Right?

4           A    I went from Grand Canyon in December, to  
5           Lawrence, and then I stayed with my sister there.

6           Q    Okay.

7           A    And then I got into school in August.

8           Q    You turned 18 on February 20th, 2000.  
9           Right?

10          A    Yes.

11          Q    So you hadn't yet started college when you  
12          turned 18. Right?

13          A    Say that again.

14          Q    You hadn't yet started college when -- you  
15          hadn't yet turned 18 when you started college. Right?

16          A    No.

17                So I hadn't yet started college.

18          Q    Right. You were already 18 --

19          A    I was 18 --

20          Q    -- before you started college?

21          A    I was 18 when I started college.

22          Q    You were 18 when you started college?

1           A    Yes.

2           Q    You started college in September of 2002,  
3 didn't you?

4           A    No, in 2000.

5           Q    Would you turn to your --

6           A    Yes, I see it.

7           Q    It's Number -- I'm looking at your response  
8 to Interrogatory Number 1(e).

9           A    Uh-huh.

10          Q    And then 1(f).

11                Now, 1(f) says, second sentence, quote,  
12 "Petitioner next attended Haskell Indian Nations  
13 University in Lawrence, Kansas, where she attained her  
14 Associate's of Arts Degree from August 2002 through  
15 May 2004."

16                Do you see that?

17          A    Uh-huh.

18          Q    And you prepared this. Right?

19          A    Yes. Well, I attended for one semester in  
20 2000. I can see -- yeah. Okay. I attended one  
21 semester in 2000. I withdrew. I moved back to  
22 Arizona. And then I went back in 2002. So that's

1       probably what was left out, was that one semester.

2               Q     All right.  So you started at Haskell --

3               A     Yes, in 2000.

4               Q     -- in 2000?

5               A     Yes.

6               Q     So to the extent that that is when you  
7       started school, you'd like to modify your answer here  
8       that you gave?

9               A     Yes.  So I started in -- in the fall of  
10      2000.  I was there for only one semester.  I withdrew  
11      and moved back to Arizona, and then I went back in  
12      2002.

13              Q     So why did you withdraw?

14                     MR. ROACH:  Objection.  Relevance.

15                     Don't answer the question.

16                     MR. RASKOPF:  Counsel, this is a background  
17      question, and it happens to be right at the time when  
18      she's over the age of 18.  It's completely relevant to  
19      this case.

20                     Do you want to confer with counsel?

21                     MR. ROACH:  You can answer.  Take it slow,  
22      one question at a time.

1 MR. RASKOPF: No coaching, please.

2 A So the question was why I withdrew?

3 Q Yeah.

4 A I missed home.

5 Q No other reason?

6 A I'm from Arizona.

7 Q Okay. No other reason.

8 A Uh-huh.

9 Q While you were at -- did Haskell have a  
10 football team?

11 A Yes, they did.

12 Q And did you ever attend their games?

13 A I've attended one or two games.

14 Q Did you watch the games?

15 A Uh-huh.

16 Q Were they televised locally?

17 A No.

18 Q How long have you been a football fan?

19 A I can't give a time frame.

20 Q Okay. So let's just say, were you a  
21 football fan even when you were watching Haskell play  
22 football games?

1           A    I would say so, yeah.

2           Q    All right. And when your sister was at the  
3 school before you, did you also ever watch the  
4 football games with her?

5           A    With my sister?

6           Q    Yeah.

7           A    No.

8           Q    When for the first time do you recall ever  
9 watching a football game?

10          A    Ever?

11          Q    Yes.

12          A    I'd say when I was a child.

13          Q    And that was, say, in grammar school, or  
14 maybe even before that?

15          A    Before what?

16          Q    Grammar school.

17          A    Grammar school? Grammar school, I'm  
18 guessing, is just school?

19          Q    Grades 1 to 8.

20          A    One to 8.

21          Q    You went to grammar school. Right?

22          A    Yes.

1           Q    Okay.  So when you were in grammar school,  
2   do you remember watching football games?

3           A    I remember being around them because my  
4   family is -- they watch games.  So I remember being  
5   around them, watching them.

6           Q    And they watched games on TV?

7           A    Uh-huh.

8           Q    That you --

9           A    My dad did.

10          Q    That you also watched?

11          A    Here and there, yeah, when I was little.

12          Q    And later on, between the time that you  
13   were little and the time that you went to Haskell, you  
14   had -- I assume occasionally you watched football  
15   games.  Right?

16          A    Uh-huh.

17          Q    And did your father watch professional  
18   football games?

19          A    Yes.

20          Q    NFL fan?

21          A    Uh-huh.

22          Q    And did he have a favorite team?

1           A    The Steelers.

2           Q    And you remember watching games with your  
3 father?

4           A    Uh-huh. I wouldn't say that I actually sat  
5 there with him. I mean, a couple of times we did.  
6 But I was -- I was young, was interested in playing  
7 with toys and other things. But I was exposed to it.

8           Q    I understand.

9                   And you saw the Washington Redskins on TV  
10 once or twice, or if not more, during that period?

11          A    Uh-huh.

12          Q    You knew there was an NFL team called the  
13 Washington Redskins. Right?

14          A    Uh-huh.

15          Q    And that understanding of yours has not  
16 changed to this day. Right?

17          A    My understanding of?

18          Q    That there is such a team called the  
19 Washington Redskins, an NFL team?

20          A    Has it changed?

21          Q    Right.

22          A    No.

1           Q    And what's the nickname of Haskell  
2 University?

3           A    The nickname?

4           Q    Yeah.

5           A    I'm not sure. What do you mean?

6           Q    Well, let's say --

7           A    I called it Haskell.

8           Q    Okay. You don't know if they had a  
9 nickname or not, if Haskell had a nickname or not?

10          A    Haskell Indian Nations University.

11          Q    But did they have a nickname, like if they  
12 go on the field?

13          A    The Indians.

14          Q    The Indians. Okay.

15          A    Uh-huh.

16          Q    That's what they were called?

17          A    Uh-huh.

18          Q    Does that bother you?

19          A    Yes.

20          Q    But it didn't bother you enough not to go  
21 to the university there. Right?

22          A    Well, the reason why I went to university



1 was because our tuition was less than a hundred  
2 dollars, and I had no financial means to attend  
3 university, so I went to Haskell.

4 MR. RASKOPF: And motion to strike as  
5 nonresponsive.

6 BY MR. RASKOPF:

7 Q So you voluntarily attended Haskell.  
8 Right?

9 A Yes.

10 MR. ROACH: Asked and answered.

11 BY MR. RASKOPF:

12 Q Okay. Have you ever complained to the  
13 institution about this fact that they were -- that  
14 their team nickname was the Indians?

15 A I may have verbalized it to a couple of  
16 people.

17 Q And when was that?

18 A I don't remember.

19 Q To whom did you verbalize it?

20 A I remember having some discussions in our  
21 classroom about it and discussions with other  
22 students.

1           Q    Did you ever complain to the institution  
2   itself?

3           A    The institution itself?  No.

4           Q    And Haskell is predominantly a Native  
5   American -- is attended by Native Americans.

6                   Is that right?

7           A    All Native American college.

8           Q    Well, there may be a few other people who  
9   aren't Native Americans attending the school.  Right?

10          A    No.

11          Q    Like Alaskans, maybe?

12          A    Well, Alaskan people are native.

13          Q    All are.  Okay.

14                   And no non-Native Americans attended the  
15   school?

16          A    Not to my knowledge, no.  From what I  
17   understood, you have to be enrolled in a federally  
18   recognized tribe to attend school.

19          Q    So are you familiar at all with the history  
20   of the Haskell Indian Nations University football  
21   teams?

22                   MR. ROACH:  Objection.  Ambiguous.

1 BY MR. RASKOPF:

2 Q You've got to answer.

3 A I know the history of the university.

4 Q But not of the football team?

5 A No, not really.

6 Q When you say "not really," you're familiar  
7 with some of the history, I take it?

8 A No.

9 Q None?

10 A No.

11 Q You're not aware of a time when Haskell  
12 University was famous for its football teams?

13 A I think I remember --

14 MR. ROACH: Objection. Ambiguous.

15 MR. RASKOPF: She was in the middle of  
16 answering a question.

17 A I can't give you a clear answer on that.  
18 I -- because ...

19 Q All right. Well, before you were  
20 interrupted by counsel, you used the words, "I think I  
21 remember," and then he put in.

22 A I may have remembered. I don't know.

1 Q What may you have remembered?

2 A Jim Thorpe.

3 Q Okay. Did he go there?

4 A I believe so, yes.

5 Q All right.

6 A I believe so.

7 Q That's fine. I understand.

8 A Yes.

9 Q And are you aware that graduates or  
10 students at Haskell also played in the National  
11 Football League?

12 A Unh-unh.

13 Q Well, Jim Thorpe played in the NFL, didn't  
14 he?

15 A I don't know.

16 Q Are you familiar with an individual by the  
17 name of Lone Star Dietz?

18 A (Witness shakes head.)

19 Q You never heard of Lone Star Dietz?

20 A Unh-unh.

21 Q Did you ever hear that the Washington  
22 Redskins claim that the team name was changed from

1 Braves to Redskins in honor of Lone Star Dietz?

2 A Yes, I did read that somewhere, yes.

3 Q And when you read that, what did you think?

4 A Well, I don't know who Lone Star Dietz is,  
5 so I don't know what to think.

6 Q Did you know that Lone Star Dietz was a  
7 coach, a football coach at Haskell Indian Nations  
8 University?

9 A No, I didn't know that.

10 Q That's never been brought to your  
11 attention?

12 A No.

13 Q Would that have any -- if that were the  
14 case, would your views about this case and the use of  
15 the name Washington Redskins by the Redskins change at  
16 all?

17 A Absolutely not.

18 Q And do you know whether or not any students  
19 who attended Haskell University subsequently played  
20 professional football for the Washington Redskins?

21 A No.

22 Q You didn't know that?

1           A    No.

2           Q    Are you aware that the Washington Redskins  
3 were once called the Boston Redskins?

4           A    I read that, yes.

5           Q    Are you aware of any Native Americans who  
6 attended Haskell University -- when I say "Haskell  
7 University," I'm referring to either Haskell  
8 University or Haskell Indian Nations University,  
9 because the name may have changed over time.

10           But you and I understand --

11           A    No, the name hasn't changed.

12           Q    -- what we're talking about.

13           A    But, yes, Haskell University. I call it  
14 Haskell University. But its official name is Haskell  
15 Indian Nations University.

16           Q    Okay. So we're on the same page.

17           A    Yes.

18           Q    When I say Haskell University, you know  
19 what I'm talking about and I know what you're talking  
20 about?

21           A    Yes.

22           Q    So do you know whether any Native American

1 students at Haskell University subsequently played  
2 professional football for the Boston Redskins?

3 A No.

4 Q Does Haskell University have a logo?

5 A Uh-huh.

6 Q And what does the logo consist of?

7 A It's a stereotypical image of a Native  
8 American person.

9 Q Much like the --

10 A Redskins logo.

11 Q Okay. Much like the Redskins logo, you  
12 said?

13 A Uh-huh.

14 Q And did you ever complain to the university  
15 about the use of that logo?

16 A Not officially on paper. Or verbally. No.

17 MR. RASKOPF: Can we mark this Exhibit 2  
18 for identification, Blackhorse Exhibit 2, that is.

19 (Blackhorse Exhibit 2 marked for  
20 identification, to be attached to the transcript.)

21 BY MR. RASKOPF:

22 Q You can identify Exhibit 2 for the record,

1 can't you?

2 A Yes.

3 Q What is it?

4 A It looks like a web page for Haskell.

5 Q Right. And that contains the logo of the  
6 Haskell Indians Nations University of which you  
7 complained. Correct?

8 A Yes.

9 Q And that's because you say it's  
10 stereotypical?

11 A Uh-huh.

12 Q And it has the image in question has -- is  
13 wearing a headdress?

14 A Yes.

15 Q And feathers?

16 A I don't see any feathers.

17 Q Okay. What are those things dangling by  
18 the ears?

19 A I have no idea what those are.

20 Q Do you know what those are?

21 A I have no idea.

22 Q What about this, the face of this image,



1 concerns you?

2 MR. ROACH: Objection. Foundation.

3 BY MR. RASKOPF:

4 Q What about the face on this image concerns  
5 you, if anything?

6 A What about it concerns me?

7 Q Right. The face.

8 A The face?

9 Q Right.

10 A It looks like a stereotypical version of a  
11 Native person, Native man.

12 Q In what way?

13 A Well, it has -- it seems very serious,  
14 stoic like. Yeah.

15 Q All right. And a serious and a stoic  
16 expression is one that you would characterize as  
17 stereotypical?

18 A Uh-huh. Of Native American men, yes.

19 Q And is that offensive to you?

20 A Yes.

21 Q Do you know how long the university has  
22 used this logo?

1           A    No.

2           Q    Do you know how long ago the university was  
3 founded?

4           A    No.

5           Q    Well, does 1884 sound like the year it was  
6 founded?

7           A    I don't know.

8           Q    You know that the university has been  
9 around for a long time. Right?

10          A    Yes, for a long time.

11          Q    Certainly in the '40s and the '50s and the  
12 '60s and the '70s and the '80s the university was  
13 around. Right?

14          A    Uh-huh.

15          Q    And do you know whether they ever had a  
16 different logo than the one they have now?

17          A    I don't remember.

18          Q    You're not aware that they had a different  
19 logo than the logo that I just showed you. Right?

20          A    No.

21          Q    This is the only logo you've ever seen  
22 associated with Haskell Indian Nations University.

1 Right?

2 A Yes.

3 Q Do you know who created this logo?

4 A No idea.

5 Q So you don't know if it was created by a

6 Native American or whether it was created by --

7 A I don't know.

8 Q -- a non-Native American. Right?

9 A I have no idea.

10 Q And it wouldn't matter to you in terms of

11 whether you consider this a stereotypical image or

12 not. Right?

13 A Correct.

14 Q Now, you turned 18 on February 20th, 2000,

15 just to put us back on the timeline here.

16 A Yes.

17 Q And you moved from Lawrenceville to Grand

18 Canyon, Arizona, until May of 2001. Right?

19 A It's actually Lawrence.

20 Q I keep doing that.

21 A Yeah.

22 Q My fault.

1           A    Lawrence, Kansas.

2           Q    All right.  So one of the college teams is  
3   in Lawrence.  Is University of Kansas in  
4   Lawrenceville?

5           A    Uh-huh.  Lawrence, Kansas; not  
6   Lawrenceville.

7           MR. ROACH:  There's a prep school in  
8   Lawrenceville; Princeton.

9           MR. RASKOPF:  Lawrenceville, New Jersey.  
10   BY MR. RASKOPF:

11          Q    All right.  So you moved to Grand Canyon,  
12   Arizona, until about May of 2001.  Right?  After that  
13   first semester?

14          A    Yes.

15          Q    And --

16          A    Wait.  Wait.  Wait.

17                It was 2000, then I moved back to Grand  
18   Canyon right after.  So like January, December I moved  
19   back to Grand Canyon of 2001, it would be.

20          Q    All right.  And you weren't attending  
21   school then?

22          A    No.

1 Q Were you working then?

2 A Did I work? Gosh, it's been so long.

3 Yes.

4 Q What was your job?

5 A I worked at a daycare center, but I'm not  
6 quite sure when that was. I'm thinking it may have  
7 been before.

8 Q Would you turn to your Interrogatory  
9 Response Number 1(e).

10 A 1(e).

11 Q Page 5. The first sentence of Page 5, in  
12 response to the interrogatory, State your employment  
13 since 1996. Your first response is, "Petitioner  
14 worked at Haskell Indian Nations University in  
15 Lawrence, Kansas, as a student bank teller from August  
16 2002 to March 2003."

17 Do you see that?

18 A Uh-huh.

19 Q You didn't mention the job you just  
20 mentioned at a daycare center on this. Right?

21 A Unh-unh.

22 Q Was it a paid job or not?

1           A    Yeah.  I was only there for like a month.  
2   I didn't think it was relevant.  But I believe that  
3   was -- that was before, before I graduated.  I'm  
4   thinking that may be when I was in school.  I'm not  
5   sure.

6           Q    Okay.  So --

7           A    I have to -- I have to really look.  I'm  
8   not too sure.

9           Q    So go back to Page 4.

10          A    Uh-huh.

11          Q    And Interrogatory 1 says, "State," and then  
12   Subpart E says, "your employment since 1996."

13          A    Uh-huh.

14          Q    Right?  So that work at the daycare center  
15   was employed since 1996.  Right?

16          A    Uh-huh.  Uh-huh.

17          Q    And you didn't include it in your answer in  
18   E.  Right?

19          A    Uh-huh.

20          Q    Okay.

21          A    Well, you know, this is -- this is my first  
22   time doing this.  And this is -- I didn't -- just

1 maybe out of ignorance I didn't think that I -- I  
2 mean, it was a job for one month. And, you know, I  
3 just -- I didn't include it in there.

4 MR. RASKOPF: Motion to strike everything  
5 after the words "uh-huh."

6 BY MR. RASKOPF:

7 Q Now, did you -- and you also didn't mention  
8 that you were an assistant librarian in response to  
9 Interrogatory Number 1(e), did you; that is, an  
10 assistant librarian at the Haskell Indian Nations  
11 University?

12 A What was that, again?

13 Q Well, before you said you were an assistant  
14 librarian at Haskell before you started college there.

15 A Uh-huh.

16 Q But you didn't mention that when you were  
17 asked --

18 A Yeah.

19 Q -- in response to Interrogatory 1(e) to  
20 give your employment since 1996, did you?

21 A I'm sorry, repeat that again? I was  
22 reading this.

1 MR. RASKOPF: Would you read that back.

2 (The reporter read the record as follows:

3 "QUESTION: But you didn't mention that  
4 when you were asked --

5 "ANSWER: Yeah.

6 "QUESTION: -- in response to Interrogatory  
7 1(e) to give your employment since 1996, did you?")

8 A I didn't provide it, is that what you mean?

9 Q Yes.

10 A Yes.

11 Q In response to the interrogatory.

12 A Yes, I didn't. And ...

13 Q After you went to Grand Canyon, Arizona,  
14 that's after you left the school.

15 By the way, leaving school, was that a  
16 leave of absence? What was the official -- what  
17 officially happened? Did you take a leave of absence  
18 or did you just leave, or how did that work?

19 A I don't remember what I did.

20 Q Do you remember asking for a leave of  
21 absence?

22 A I don't think so.



1           Q    After you moved to Grand Canyon, Arizona,  
2 because I think you said you were like homesick, kind  
3 of?

4           A    Uh-huh.

5           Q    You moved to Flagstaff, Arizona. Right?

6           A    Uh-huh.

7           Q    For a period of about four months?

8           A    I don't remember, but it was a short time.

9           Q    Okay. Why did you move from Grand Canyon  
10 to Flagstaff?

11          A    My sister was moving to -- to Flagstaff, so  
12 I wanted to go with her.

13          Q    When you were in Grand Canyon, were you  
14 living in your family?

15          A    Uh-huh.

16          Q    So then you moved to be with your sister in  
17 Flagstaff?

18          A    Uh-huh.

19          Q    Did you have a job when you lived in  
20 Flagstaff?

21          A    Yes.

22          Q    What was it?

1           A    I worked at a gas station.

2           Q    And you didn't report that on your  
3 answer --

4           A    Yes.

5           Q    -- to interrogatory 1(e). Right?

6           A    (Witness shakes head.)

7           Q    Correct?

8           A    Yes, correct.

9           Q    How long did you work at the gas station?

10          A    I don't remember. Again, it was a short  
11 period of time, so I didn't feel like -- and again, I  
12 didn't quite understand my duty to report. So ...

13                   MR. RASKOPF: Motion to strike as  
14 nonresponsive after the word "yes."

15 BY MR. RASKOPF:

16          Q    And so then during this period of time from  
17 the time you left Lawrenceville until the time you  
18 came -- Lawrence until the time you came back to  
19 Lawrence in -- September 2001? Is that right?

20          A    September 2001? I think I went back  
21 September, August -- I'm not sure.

22          Q    Okay. So you went back --

1           A    From Flagstaff to -- to Lawrence. Right?

2           Q    You moved from Flagstaff to Lawrence in or  
3 around September of 2001.

4           A    Yes.

5           Q    And you didn't go right back to college,  
6 though, did you?

7           A    No.

8           Q    What did you do in Lawrence from the time  
9 you got there in September or so of 2001 until you  
10 started going to school again?

11          A    I moved in with my sister and her  
12 boyfriend. My sister's and my sister's boyfriend.

13          Q    But you weren't employed at that time, were  
14 you?

15          A    I was employed.

16          Q    You were?

17          A    Yes.

18          Q    Doing what?

19          A    I worked at Target.

20          Q    Okay. Again, not reported on your  
21 interrogatory responses.

22          A    (Witness shakes head.)

1 Q Okay. Nods yes, that means yes. Right?

2 You nodded.

3 A Yes.

4 Q You have to say -- the reporter can't take  
5 down a nod, so you have to just say yes or no.

6 A Yes.

7 Q That's the only reason I'm persisting on  
8 this.

9 A Yes.

10 Q Okay. Thanks.

11 And then you lived in Lawrence, Kansas,  
12 throughout the period of time leading up to the date  
13 that the petition for cancellation was filed in this  
14 case, in August of 2006. Right?

15 A Uh-huh.

16 Q Okay. So we've got your employment and  
17 educational and living history from the period you  
18 turned 18 on February 20th, 2000, until August 11th,  
19 2006 covered, do we not? With the exception of your  
20 having gone to the University of Kansas after you left  
21 Haskell. Right?

22 A So you're saying we got my time from -- in

1 Lawrence. Right?

2 Q You graduated Haskell in May of '04?

3 A Uh-huh.

4 Q You were living in Lawrence?

5 A Yes.

6 Q In August of '04 you attended the  
7 University of Kansas --

8 A Uh-huh.

9 Q -- School of Social Welfare.

10 A Uh-huh.

11 Q And where is that located?

12 A In Lawrence, Kansas.

13 Q All right. And you were a student at the  
14 University of Kansas when the petition in this case  
15 was filed? It's been -- I showed you, the one I  
16 showed you earlier.

17 A Uh-huh. Yes.

18 Q Are there any other jobs that you recall  
19 having during this period, up to the time that you  
20 filed the petition, or you caused to be filed the  
21 petition, that you haven't mentioned either to me now  
22 or in response to Interrogatory Number 1(e)?

1           A    I was in a program, it was called a bridge  
2 program, when I was at Haskell. And it was like a  
3 work study. And it's a program that graduates people  
4 to a university, like the University of Kansas.

5                   And so I went through this research  
6 program, and eventually they -- they supported me  
7 through my transfer to the University of Kansas. And  
8 so I was paid to do -- to spend time in a lab to do  
9 research.

10           Q    That was connected to your educational --

11           A    Yes.

12           Q    -- activities?

13           A    Yes.

14           Q    Other than anything connected to your  
15 educational activities, did you have any other  
16 employment?

17           A    No.

18           Q    Are you familiar with an institution or a  
19 group called NCAI?

20           A    Yes.

21           Q    What's NCAI, as you understand it?

22           A    They are Native leaders who -- who advocate

1 for tribes and tribal members.

2 Q What does NCAI stand for, as far as you  
3 know?

4 A National Congress of American Indians.

5 Q And do you consider that the members of  
6 NCAI have an authoritative voice in connection with  
7 Native American affairs?

8 MR. ROACH: Objection. Ambiguous.

9 BY MR. RASKOPF:

10 Q You can answer.

11 THE WITNESS: Do we have to answer?

12 A I don't know if "authoritative" is the  
13 correct word. But I would say that they do have a  
14 voice in the Indian country.

15 Q What about the word "authoritative" doesn't  
16 hit the mark, as far as you are concerned?

17 A It -- because it sounds like they have a  
18 hand over Native people, and Native people don't have  
19 a choice in what they do.

20 Q So when you think of NCAI, what do you  
21 think of?

22 A Advocates for Native people.

1           Q    Are you familiar with the history of NCAI  
2   insofar as it relates to the use of the -- any  
3   advocacy of the -- for or against the use of the name  
4   Washington Redskins by the Redskins?

5           A    I know they support it.  They -- I know  
6   that they -- they actively voice their opinion that  
7   they were against the terms and the logos.

8           Q    When was that?

9           A    I don't know.

10          Q    Do you know of a time when people in  
11   position of authority at NCAI expressed their support  
12   for the use of the designation Washington Redskins by  
13   the Redskins?

14          A    Do I remember a time when -- can you repeat  
15   that again.

16          Q    When people in authority at NCAI expressed  
17   their support for the use of the designation  
18   Washington Redskins by the Redskins.

19          A    No, I don't.  I don't know.

20          Q    Or support for imagery used by the  
21   Washington Redskins?

22          A    When they have supported the use of it?



1 Q Yeah.

2 A No. No idea.

3 Q If you knew that that was the case, would  
4 that have any effect on your view as to whether -- as  
5 to the designation Washington Redskins or the imagery  
6 that the Redskins use today?

7 A Absolutely not.

8 Q So if you knew that representatives -- that  
9 the president of the NCAI in the 1960s caused the  
10 Redskins to change their helmet logo to the use of a  
11 Native American as opposed to just the use of the  
12 designation R, would that have any impact on your view  
13 of use of Native American imagery by the Redskins?

14 A Repeat the question again.

15 MR. RASKOPF: Read it back.

16 (The reporter read the record as follows:

17 "QUESTION: So if you knew that  
18 representatives -- that the president of the NCAI in  
19 the 1960s caused the Redskins to change their helmet  
20 logo to the use of a Native American as opposed to  
21 just the use of the designation R, would that have any  
22 impact on your view of use of Native American imagery

1 by the Redskins?")

2 MR. ROACH: Object.

3 You have to answer.

4 A No.

5 Q All right. So I just want to be clear.

6 So --

7 A Yes.

8 Q -- if the then president of the NCAI goes  
9 to the Washington Redskins and says, You guys, I want  
10 you to change your logo from the -- on your helmet  
11 from the R to a Native American image, and the  
12 Redskins did so at his urgency, that would not have --  
13 make any difference to you?

14 MR. ROACH: Object.

15 A No. I would still be offended.

16 Q At him or at the Redskins?

17 A At the Redskins.

18 Q But not at him?

19 A Well, I don't know who that -- yes, at him.

20 MR. RASKOPF: We've been at it for an hour.

21 Do you want to take a break.

22 MR. ROACH: Sure.

1 (Short recess.)

2 BY MR. RASKOPF:

3 Q So is it fair to say that -- it is fair to  
4 say, is it not, that you currently do not support the  
5 use of the designation Redskins by the Washington  
6 Redskins. Right?

7 A Yes.

8 Q Was there ever a time in your life when  
9 that issue did not matter to you?

10 A When I was a child.

11 Q Right. And even in high school, I mean,  
12 you didn't object to the Redskins using the word  
13 "Redskins" back then, did you?

14 A I wasn't exposed to it in high school.

15 Q Well, I think you testified earlier that  
16 you knew that there was an NFL team called the  
17 Redskins. Right?

18 A Uh-huh.

19 Q So to that extent you were exposed to it.  
20 Right?

21 A Yeah.

22 Q And your father watched football games from

1 time to time?

2 A Uh-huh.

3 Q And you thought that you saw the Redskins  
4 play once in a while?

5 A Uh-huh.

6 Q And on those occasions nothing registered  
7 to you along the lines that you now register.

8 Correct?

9 A No.

10 Q And when you were 18 years old, it didn't  
11 register to you, did it, that the Redskins was a term  
12 that you didn't think should be used by the Washington  
13 Redskins?

14 A When I was 18?

15 Q Right.

16 A No.

17 Q Because that's before -- when you turned 18  
18 you were not yet a student at Haskell, were you?

19 A When I was 18 I was not a student at  
20 Haskell? Yes.

21 Q And even when you started college at  
22 Haskell, the use of the designation "Redskins" by the

1 Washington Redskins didn't bother you, did it?

2 A Well, I really didn't think about it at  
3 that time.

4 Q Well, you don't have a recollection as you  
5 sit here today that it did bother you at that time.

6 Right?

7 A Yes.

8 Q So was there an event that caused you to  
9 change your mind about this?

10 A Yes.

11 Q There was?

12 A Yes.

13 Q And was it a particular event?

14 A Yes.

15 Q And was there anything other than the  
16 particular event that caused you to change your mind?

17 A When I went to college I took some classes  
18 on American Indian history. And at that time I began  
19 to learn about teams and mascots. And growing up I  
20 was never exposed to our correct history in school.  
21 It wasn't until I went to college that I began to  
22 learn -- learn our history.

1 Q You attended schools on reservations?

2 A Yes.

3 Q All right. And you think that --

4 A On and off.

5 Q And you think that you were not exposed to  
6 your correct history --

7 A Yes.

8 Q -- in those schools?

9 A Yes.

10 Q All right. And so when for the first time  
11 did you begin to be exposed to the correct history?

12 A When I was attending Haskell.

13 Q And this is in your opinion, right, that  
14 now --

15 A This is my experience.

16 Q Right. And now you have been exposed to  
17 the correct history. Right?

18 A Yes.

19 Q So it wasn't a particular event that caused  
20 you to change your mind about the use of the Redskins  
21 by the Washington Redskins, or it was?

22 A It was the education that I received in

1 learning our history as American Indian people. And I  
2 went to a Washington Redskins and Kansas City Chiefs  
3 game, and I seen how our people were disrespected and  
4 how our culture was completely disrespected.

5 Q So my question is again was it --

6 A And so that further, that event, the game  
7 that I attended, furthered my belief and -- that it is  
8 offensive.

9 Q When you say you attended the game, did you  
10 actually go into the stadium and watch the teams play?

11 A No. We were on the outside, and we walked  
12 around. We didn't -- we did not choose -- I did not  
13 feel comfortable going in to the game.

14 Q All right. So you don't know --

15 A To the actual game.

16 Q You don't know what the Washington Redskins  
17 did on the field that day, because you couldn't see  
18 it. Right?

19 A No. We were outside. We chose to stay  
20 outside.

21 Q Did you run into any Washington Redskins  
22 football players when you were outside?

1           A    No.  Not the football players.

2           Q    Did you run into any representative of the  
3 Washington Redskins when you were outside the stadium?

4           A    If you consider fans representatives, yeah.

5           Q    No, I'm talking about an employee of the  
6 Washington Redskins.

7           A    An employee, no.

8           Q    You saw some people who were -- professed  
9 to be fans of the Washington Redskins?

10          A    Uh-huh.

11          Q    You saw people wearing Redskins  
12 paraphernalia.  Right?

13          A    Uh-huh.

14          Q    And you've seen Redskins paraphernalia, you  
15 had seen Redskins paraphernalia worn on occasion  
16 before that by people, did you not?

17          A    On TV, yes.

18          Q    But you're not saying you never saw  
19 anybody, say at Haskell University, around the campus,  
20 wearing Washington Redskins paraphernalia?

21          A    I wouldn't say that I did.

22          Q    Sorry?



1           A    No, I wouldn't say that I did.  So I  
2   would -- no.

3           Q    Do you ever remember as you sit here anyone  
4   before you went to that football game --

5           A    Wearing, no.

6           Q    -- and stayed on the outside, you don't  
7   ever remember anyone wearing merchandise that bore  
8   Redskins insignia, other than on TV.  Right?

9           A    Yes.  Correct.

10          Q    You do remember seeing Redskins insignia  
11   being worn by people on TV before the game you went  
12   to.  Right?

13          A    Yes.

14          Q    How frequently?

15          A    I don't know.

16          Q    Enough that you have a clear recollection  
17   of it?

18                   MR. ROACH:  Objection.  Ambiguous.

19   BY MR. RASKOPF:

20          Q    Right?

21          A    I don't know.

22          Q    Well, can you give me an example of a --

1 MR. RASKOPF: Withdrawn.

2 BY MR. RASKOPF:

3 Q Have you ever seen Washington Redskins  
4 merchandise advertised for sale?

5 A Not that I remember.

6 Q You have certainly heard other Native  
7 Americans refer to the NFL team Washington Redskins.  
8 Right?

9 A I may have.

10 Q And that was before you went to the  
11 Chiefs/Redskins game. Right?

12 A Yes.

13 Q And on those occasions when you heard  
14 people refer to the Washington Redskins football team,  
15 did that reference to the Washington Redskins football  
16 team offend you?

17 A Yes.

18 Q And --

19 A As we were preparing for our event, yes.

20 Q No. I'm talking about before you were  
21 preparing for your event.

22 A Before we prepared for the event?

1           Q    Right. All those times that people would  
2 refer to the Washington Redskins, did you take offense  
3 when they were talking about the team?

4           A    Yes.

5           Q    It was obvious to you that they did?

6           A    Yes.

7           Q    You know people who are fans of the  
8 Washington Redskins. Right?

9           A    I have a friend who is -- she doesn't  
10 necessarily say she's a fan. She just says I've been  
11 to a couple of games and -- yeah.

12          Q    So what's the name of this person?

13          A    Jodi Abbott.

14          Q    And Ms. Abbott has been to Redskins games?

15          A    Uh-huh.

16          Q    She told you that?

17          A    Uh-huh.

18          Q    And is she a Native American?

19          A    Yes, she is.

20          Q    And when did she tell you that?

21          A    I don't remember the dates. I don't  
22 remember exactly when. But we met when I attended

1 Washington University in 2008.

2 Q Right. When you say attended --

3 A But I think it was after she moved here, to  
4 the D.C. area.

5 Q So she moved to the D.C. area --

6 A Yes.

7 Q -- after having attended Washington  
8 University in St. Louis with you.

9 A Yes.

10 Q You were classmates?

11 A Yes.

12 Q She was working on a Master's, also?

13 A Yes.

14 Q So you had a conversation. When did she  
15 tell you she had attended Redskins games?

16 A I don't remember.

17 Q You don't remember if it was during college  
18 or after college?

19 A She graduated a year after I did, so it  
20 must have been during that time when she was moving  
21 over here.

22 Q Okay. She graduated a year after you?

1           A    Uh-huh.

2           Q    Well, did you maintain a relationship with  
3 her after --

4           A    Yes.

5           Q    -- the two of you were in school?

6           A    Yes.

7           Q    And so you have contacted her or she has  
8 contacted you --

9           A    Uh-huh.

10          Q    -- while you lived in Kansas --

11          A    Uh-huh.

12          Q    -- and she lived in D.C.?

13          A    Uh-huh.

14          Q    And somewhere in there she told you that  
15 she had gone to Redskins games?

16          A    Yes.

17          Q    And when she told you that she had gone to  
18 Redskins games, did you tell her that you were  
19 offended because she used the word "Redskins" to  
20 describe the Washington Redskins?

21          A    Yes.

22          Q    You did.

1                   What was her response?

2                   A    She said -- you know, I don't know.  I  
3   don't remember.  I don't remember that conversation.  
4   But I do remember voicing my opposition.  And I don't  
5   remember.  To her it was -- I think it was just, I'm  
6   going to go to a game for the experience.  But I don't  
7   remember exactly what she said.

8                   Q    Didn't she have season tickets?

9                   A    I have no idea.

10                  Q    She purchased tickets to go to a game.

11                   Right?

12                  A    I believe she did.

13                  Q    She told you she did.  Right?

14                  A    Uh-huh.

15                  Q    And she went to more than one Washington  
16   Redskins game, didn't she?

17                  A    I remember two of them.

18                  Q    And did she tell you which games she went  
19   to?

20                  A    No.

21                  Q    When did she attend the games?

22                  A    I don't remember.

1           Q    You don't remember when she said she went  
2 or that she didn't tell you when she went?

3           A    Both.

4           Q    Okay. So what were the words she used when  
5 she told you that she had attended a Redskins game?

6           A    I don't remember her exact words.

7           Q    Do you know whether or not the word  
8 "Redskins" was used?

9           A    Yes.

10          Q    She used it?

11          A    Yes.

12          Q    Where does she reside?

13          A    I don't know her address, but I know it's  
14 in this area.

15          Q    You know she told you she went to more than  
16 one game. Right?

17          A    Yes.

18          Q    All right. I think you even referred to  
19 that in your interrogatory answers, didn't you?

20          A    Yes.

21          Q    How many conversations have you had with  
22 her about her attendance at Redskins games?

1           A    Several.

2           Q    Have you met her while you've been here?

3           A    Yeah.  We went out to eat last night.

4           Q    And so you consider her a friend of yours?

5           A    Yes.

6           Q    And she considers you a friend of hers?

7           A    Yes.  I hope she does.

8           Q    Right.  And you talked about this case.

9                   Right?

10          A    Yes.  I told her I was here with this case,  
11   yeah.

12          Q    And did she fill you in on more Redskins  
13   games that she's attended?

14          A    Did she what?

15          Q    Fill you in on other Redskins games that  
16   she's attended?

17          A    No.  Unh-unh.

18          Q    Well, the subject of her being a Redskins  
19   fan or not must have come up.  Right?

20          A    She did say, I am not a fan.  I like  
21   football, but I am not a fan of the Redskins.

22          Q    And what teams did she tell you she was a



1 fan of?

2 A Oh, God. I don't remember. It was -- it  
3 was another team, and I don't remember.

4 Q Another NFL team?

5 A Yes.

6 Q So she roots for that other NFL team?

7 A Yes.

8 Q So that's the team she considers herself a  
9 fan of. Right?

10 A Yes.

11 Q Did the word "Redskins" come up in the  
12 conversation last night?

13 A Yes.

14 Q And she used it. Right?

15 A Yes.

16 Q And so did you. Right?

17 A Yes.

18 Q And you used those words to refer to the  
19 Washington Redskins. Right?

20 A Yes.

21 Q And when you did so, did it offend you to  
22 have to do so?

1 A Yes.

2 Q But you did it anyway?

3 A Yes.

4 Q Even in a private conversation with someone  
5 else, just using Washington Redskins was a problem for  
6 you?

7 A Yes.

8 Q Does she have the same problem you have?

9 A I don't know. I don't know how she feels.

10 Q So why didn't you two use the designation  
11 Washington area NFL team, rather than Redskins, in  
12 your conversation?

13 A Because it's -- that's the name of the  
14 team.

15 Q Washington Redskins. Right?

16 A Yes.

17 Q What is NIOH?

18 A NIOH?

19 Q Do you know what NIOH is?

20 A No.

21 Q NIOH, is that an acronym for anything that  
22 you -- an organization you might have been involved

1 in?

2 A Oh, Not in Our Honor? Yes. I didn't put  
3 it together. Yes.

4 Q Okay. I want to go back to one thing --

5 A Uh-huh.

6 Q -- which is, you are a fan of -- is it the  
7 Raiders, another NFL team?

8 A Cardinals.

9 Q Cardinals. Okay. You've got your two NFL  
10 teams that are your favorite. So you watch NFL games?

11 A Occasionally.

12 Q Of the two, which do you prefer?

13 A Of the two? I'm leaning more towards the  
14 Arizona Cardinals.

15 Q Is that because they are playing better  
16 now?

17 A No. Because I live in Arizona now.

18 Q Okay. So you're not a fair weather fan;  
19 you're a real fan?

20 A Yes.

21 Q So why are you not a fan of the Redskins?

22 A Because of their logo and their name.

1 Q Otherwise you might be a fan of theirs?

2 A Yeah.

3 Q All right. You like the team; you just  
4 don't like the name. Right?

5 A Yeah.

6 Q All right.

7 A And I also like Washington, D.C., as well.

8 Q So who started the Not In Our Honor?

9 A It's been so long. Rhonda. Rhonda  
10 LaValdo.

11 Q A person?

12 A Yes.

13 Q A person named Rhonda?

14 A Yes.

15 Q Was she a Native American?

16 A Yes.

17 Q Now, is Not In Our Honor affiliated with  
18 any university?

19 A No.

20 Q Is it affiliated with any tribe?

21 A No.

22 Q Is it affiliated with any organization, any

1 other organization whatsoever?

2 A No.

3 Q So it's more of an informal collection of  
4 people?

5 A Uh-huh. Native students. At the time we  
6 were all students.

7 Q Okay. Native students. Okay.

8 And where was the organization formed?

9 A In Lawrence, Kansas.

10 Q All right. And were these all students at  
11 the same university?

12 A Haskell University, University of Kansas,  
13 and also some community members.

14 Q Oh, okay. There were community members  
15 involved, too?

16 A Uh-huh.

17 Q Was Ryan Redcorn a student at the school?

18 A Ryan at the time? I'm not too sure. I  
19 think Ryan may have been a community member at the  
20 time.

21 Q And when you say "a community member," what  
22 do you mean by that? He didn't go to school there?

1           A    No, he didn't go to school there.

2           Q    So a community member; like, what does that  
3   mean?

4           A    He lived in the area.

5           Q    Okay. He lived --

6           A    At Lawrence.

7           Q    -- in Lawrence, Kansas?

8           A    Not in Lawrence.

9           Q    He lived some --

10          A    Yeah, in the area.

11          Q    Somewhere nearby. Okay.

12                So how many people were in this group?

13          A    I don't remember. I'd say ten. Ten,  
14   fifteen maybe. I'm not sure.

15          Q    Can you name the members?

16          A    Rhonda LaValdo, Denny Gayton, myself,  
17   Deidra Whiteman; Caleena Hernasy; Marquette Peltier.  
18   There's a guy, and I don't remember his name. Ryan  
19   Redcorn, Jason Lewis. There may be some in there that  
20   I don't remember.

21          Q    That's how many you can remember?

22          A    I don't remember their names.

1 Q That's how many you can remember now?

2 A Yes. Myron Dewey.

3 Q That's maybe eight or nine that you  
4 mentioned?

5 A Yes. That I remember.

6 Q Now, is Not In Our Honor defunct?

7 MR. ROACH: Objection. Ambiguous.

8 A What do you mean? Define "defunct."

9 Q You don't know what I mean by the word  
10 "defunct"?

11 A Yes.

12 Q Disbanded?

13 A I would say yes.

14 Q Okay.

15 A At this point.

16 We still keep in contact.

17 Q But there's nothing that you as a group are  
18 doing. Right?

19 A Yes, at this -- at this time, yes.

20 Q And has it been several years since you did  
21 anything together?

22 A It's probably been -- as a group?

1 Q Right.

2 A Since -- since -- yeah, it's been about  
3 several years.

4 Q Well, after your protest at the  
5 Chiefs/Redskins game, what else do you remember the  
6 group ever doing under the banner NIOH?

7 A We had a couple of meetings where we would  
8 get together and we would share information. Just  
9 gather as a community. But we --

10 Q You engaged in no additional external  
11 activity after the gathering at the Chiefs/Skins game.

12 Right?

13 A We had some communications with another  
14 football team. And I think that's about it.

15 Q And what was the other football team that  
16 you communicated with?

17 A The Kansas City Chiefs.

18 Q Well, that was before or after the --

19 A It was before.

20 Q -- the gathering at the game?

21 A It was before and several months after.

22 Q Okay. Several months after the gathering



1 at the field?

2 A I would say a couple of months after.

3 Q Just let me finish my question so the  
4 reporter doesn't get all harried trying to do me and  
5 you at the same time. One is enough.

6 What interaction with the Kansas City  
7 Chiefs did your group have in the wake of the  
8 gathering at the game?

9 A I believe there were a couple of e-mails  
10 that went back and forth between Jason and Ryan,  
11 possibly even Rhonda. And they were communications  
12 about the fact that we were offended by their name and  
13 their logo. And -- and I think that was it.

14 Q This would have been in 2005?

15 A Yes.

16 Q And their name was Chiefs. Right?

17 A Yes.

18 Q Kansas City Chiefs?

19 A Yes.

20 Q And you were offended by that name. Right?

21 A Yes.

22 Q As offensive to you as the Redskins?

1           A    Yes.

2           Q    And did you also protest not only the word  
3 "Chiefs," but the logos they were using?

4           A    At the time, yes.

5           Q    All right.

6           A    Yeah.

7           Q    There was mascot, I think, who wore a  
8 headdress that you objected to?

9           A    I'm not too sure. I don't -- I don't think  
10 they had a mascot. I don't remember.

11          Q    Well, do you know whether --

12          A    I remember we were more concerned about the  
13 name, the Chiefs.

14          Q    And you remember that they told you that  
15 the name Chiefs came from the former -- for the  
16 nickname of the former Mayor of Kansas City --

17          A    Yes.

18          Q    -- who helped bring the Kansas City Chiefs  
19 to Kansas City.

20                Do you remember that?

21          A    Yes.

22          Q    And that didn't have any effect on your --

1           A    No.

2           Q    -- belief that it was wrong for the Kansas  
3 City Chiefs to use "Chiefs" as their nickname. Right?

4           A    No.

5           Q    And were you ever told that the mayor of  
6 Kansas City was the blood brother of a -- the chief of  
7 a Native American tribe?

8           A    Was I ever told that?

9           Q    Yes.

10          A    I think so.

11          Q    And that didn't have any effect on your --

12          A    No.

13          Q    -- belief as to whether or not it was okay  
14 for the Kansas City Chiefs to use the word "Chiefs."

15                   Right?

16          A    No.

17          Q    Other than the subject of objecting to the  
18 use of the word "Chiefs" by the Kansas City Chiefs and  
19 maybe some additional logos, were there any other  
20 external communications made by Not In Our Honor to  
21 third parties?

22          A    No.

1 Q Okay.

2 A I don't believe so. Not to my knowledge,  
3 because there are other members and -- and -- yes.

4 Q All right. So that was the end of it in  
5 2005, because you were there at the game in 2005.

6 Right?

7 A Uh-huh, uh-huh.

8 Q And at no time did NIOH send any  
9 communication to the Washington Redskins about their  
10 nickname. Right?

11 A Not to my knowledge.

12 Q Right. And you were over the age of 21  
13 when you protested or attended the Redskins/Chiefs  
14 game. Right?

15 A Yes.

16 I need to take a quick break.

17 MR. RASKOPF: Okay.

18 THE WITNESS: Can I take a quick break?

19 MR. ROACH: Sure.

20 (Short recess.)

21 BY MR. RASKOPF:

22 Q Now, the petition in this case was filed on

1 August 11th of 2006. Is that right?

2 A I don't remember. In 2000 --

3 Q It's in front of you. Here it is right  
4 here, Gover Exhibit 1. See if you see the date.  
5 August 6 -- August 11th, 2006. Maybe on the last  
6 page. And whether that refreshes your recollection as  
7 to when it was filed.

8 A Yes.

9 Q So there was a period of over five years  
10 after you turned 18 that you didn't file a petition to  
11 cancel the Redskins trademark registrations. Right?

12 A Yes.

13 Q And the exact -- well, how old were you on  
14 August 11th, 2006?

15 A Twenty-four.

16 Q So it's more than six years from the time  
17 you turned 18 before that petition was filed. Right?

18 A Six years.

19 Q Right. And there were no other -- it's  
20 actually like six years and five months. Right?

21 A (Witness shakes head.)

22 Q Almost six-and-a-half years?

1           A     Six years and -- yeah.

2           Q     And there was nothing that impeded you from  
3     filing a petition to cancel the Redskins registrations  
4     before that, was there?

5           A     Well, I had no knowledge that I could do  
6     something like this.

7           Q     But I'm not asking about whether you had  
8     knowledge to do something, that wasn't really my  
9     question. My question was, was there anything that  
10    prevented you from doing that, like an illness or a  
11    legal obstacle or whatever?

12               MR. ROACH: Objection. Asked and answered.

13           A     Lack of knowledge.

14           Q     So it was your own personal lack of  
15    knowledge?

16           A     Lack of knowledge of this legal system.

17           Q     You knew about the Redskins?

18           A     Yes.

19           Q     Throughout that time?

20           A     Yes.

21           Q     And you know they used the word "Redskins."  
22               Right?

1           A    Yes.

2           Q    So it was an unawareness of the legal  
3 system that was the reason you didn't file before --

4           A    Yes.

5           Q    -- 2006?

6                Otherwise you would have?

7           A    Yes.

8           Q    Would you turn to Interrogatory Number 10,  
9 which is, for the record, Exhibit 1 for  
10 identification.

11          A    Number?

12          Q    Ten. That's on Page 11.

13                Do you see Interrogatory 10 --

14          A    Uh-huh.

15          Q    -- and your answer?

16          A    Uh-huh.

17          Q    So you haven't taken any surveys or anyone  
18 else acting on your behalf, surveys, investigations,  
19 studies, or anything attempting to determine how  
20 Native Americans in general react to the term  
21 "Washington Redskins," have you?

22          A    Not to my knowledge, no.

1           Q    No.  Well, you would know if you had  
2 personally done any survey --

3           A    Yeah.

4           Q    -- of Native Americans to find out their  
5 reaction to the Washington Redskins' use of that term.

6                    Right?

7           A    Uh-huh.

8           Q    Right.  And if you had asked someone to do  
9 it for you, you would remember that, too, wouldn't  
10 you?

11          A    Yes.

12          Q    And as you sit here now, you don't have a  
13 recollection of doing that?

14          A    No.

15          Q    And you wrote "none" in response to the  
16 question that's contained in Interrogatory Number 10.

17                    Right?

18          A    Yes.

19          Q    And that's true.  Right?

20          A    Yes.

21          Q    Nothing false or misleading about the word  
22 "none" in response to Interrogatory Number 10.  Right?



1           A    Yes.

2           Q    You are aware, though, that others have  
3 taken surveys attempting to ascertain the reaction of  
4 Native Americans to the use of the term "Washington  
5 Redskins." Right?

6           A    Yes.

7           Q    And what surveys are you aware of?

8           A    I've -- may have seen stuff online about --  
9 I think I remember seeing something on Indians.com  
10 about surveying people about how they feel. Or media  
11 outlets that may have done some sort of survey.

12          Q    And that's all you can remember,  
13 Indians.com, and a media outlet doing a survey?

14          A    It may have been Indians.com, I'm not sure.  
15 I'm not too sure.

16          Q    Well, what do you remember about this  
17 survey?

18          A    That they asked people, Natives, if they  
19 were offended by the term. And people go online and  
20 they say yes or no. So ...

21          Q    What organization do you remember this --

22          A    I don't know.

1 Q -- survey being --

2 A I don't know.

3 Q -- taken for?

4 A What do you mean?

5 Q Well, do you remember the name of the  
6 entity that sponsored the survey?

7 A I'm thinking it was Indians.com, but I'm  
8 not sure.

9 Q And so other than the survey by what you  
10 think was Indians.com that you're not sure about --

11 A Yeah.

12 Q -- are there any others that you can  
13 remember?

14 A I think I remember -- I think I just  
15 vaguely remember like a -- I think it was like a -- I  
16 want to say -- it was a national -- there was also a  
17 national one done, too, online. But I don't remember  
18 which media outlet it was.

19 Q The Indians.com one was not a national  
20 survey, as far as you recall?

21 A Well, I would say -- I would say it is  
22 national, now that you mention that.

1 Q Well, do you have a copy of the results --

2 A No.

3 Q -- of this?

4 A No. I wouldn't even begin to know where to  
5 look, because I just kind of skimmed across it --  
6 across it a long time ago.

7 Q So you have a recollection of what the --

8 A Maybe seen it.

9 Q -- what the reported results were?

10 A Yes.

11 Q How long ago was that?

12 A I can't remember. I don't know. It was  
13 over -- it was a while ago, years ago.

14 Q And you don't remember the name of the  
15 media outlet that conducted another survey that you're  
16 thinking about?

17 A Yes, I don't remember the name.

18 Q And those are the only two surveys that you  
19 can recall --

20 A Yes.

21 Q -- as you sit here? All right.

22 Are you familiar with a gentleman named

1 Daniel Riff?

2 A Daniel Riff? Daniel Riff? That sounds  
3 familiar.

4 Q It sounds familiar, but you don't remember  
5 who he is, or you do remember who he is?

6 A I may remember who he is.

7 Q Okay. Who is he?

8 A Someone I went to school with, I'm  
9 thinking.

10 MR. RASKOPF: Mark this Exhibit 3 for  
11 identification.

12 (Blackhorse Exhibit 3 marked for  
13 identification, to be attached to the transcript.)

14 BY MR. RASKOPF:

15 Q This is --

16 A Oh, I remember this guy, yeah.

17 Q Look down at the bottom. This says  
18 BLACKHORSE 000121 to BLACKHORSE 000123 -- I'm sorry,  
19 to 124.

20 Do you see that?

21 A Yes.

22 Q So this document came out of your file, did

1     it not?

2             A     Yes, it did.

3             Q     All right. And it was one of the documents  
4     you gathered for production in this case. Right?

5             A     Uh-huh.

6             Q     Now, this document does refresh your  
7     recollection as to who Daniel Riff is?

8             A     Yes.

9             Q     What does it tell you about Daniel Riff?

10            A     He was a student at Washington University.  
11     I didn't know him and I've never met him personally,  
12     but he contacted the Buder Center. The Buder Center  
13     is the Buder Center for American Indian studies that I  
14     was a part of when I was at Washington University.  
15     And --

16            Q     Okay. Do you know who Stephanie Kettler  
17     is?

18            A     Yes. Stephanie Kettler was the project  
19     coordinator at the time.

20            Q     The project coordinator for what?

21            A     The Buder, the Buder Center for American  
22     Indian Studies.

1           Q    Okay.  She was the project coordinator for  
2 the center?

3           A    Yes.  Yes.

4           Q    And that's where you received your  
5 Master's?

6           A    Yes.  I received my Master's from the  
7 George Warren Brown School of Social Work at  
8 Washington University in St. Louis.  And the Center  
9 for American Indian Studies is attached to George  
10 Warren Brown School of Social Work.

11          Q    Okay.  Did you know Stephanie Kettler  
12 before --

13          A    Yes.

14          Q    -- she contacted you about Daniel Riff?

15                Okay.  And how did you know her?

16          A    She was a project coordinator in the time  
17 that I was going to school there.

18          Q    All right.  So there came a time then that  
19 you got an e-mail from Stephanie --

20          A    From her.

21          Q    -- Kettler.  Right?

22          A    Uh-huh.  And we -- and the center serves as

1 a resource to students at the university, a resource  
2 on Native issues.

3 Q And you wrote to him. So he contacted you.

4 A Uh-huh.

5 Q Through her?

6 A Through Stephanie, uh-huh.

7 Q And then you wrote to -- he contacted you  
8 on November 18th, 2009, according to the first page of  
9 the document, contacted you via e-mail?

10 A Uh-huh.

11 Q Look down the bottom of the page, it says,  
12 "On November 18, 2009, at 8:35 a.m., Daniel Riff  
13 wrote"?

14 A Uh-huh.

15 Q That's on the first page. That's 121.

16 A Uh-huh. Okay. Yes, I see it.

17 Q All right. And then you replied less than  
18 two hours later?

19 A Uh-huh.

20 Q Saying, "Hello. Nice to hear from a Wash U  
21 student about this issue. I'm waiting to hear back  
22 from my lawyer about this topic."

1 Do you see that?

2 A Uh-huh.

3 Q So did you contact your lawyer in between  
4 the e-mail that he sent to you and the e-mail you  
5 replied to him?

6 A Did I contact my lawyer in between the time  
7 that --

8 Q That he wrote to you.

9 A That he wrote to me?

10 Q Right.

11 A I don't remember.

12 Q Was it possible that --

13 A I --

14 Q Go ahead. If you can finish your answer.

15 A So the question was?

16 Q Well, let's -- Stephanie Kettler put you  
17 and Daniel on the same e-mail.

18 A Uh-huh.

19 Q So to hook you two up. Right?

20 A Yes.

21 Q That was on November 18th, 2009.

22 A Yes.



1           Q    Before you received that e-mail from  
2   Stephanie, had you been independently contacted by  
3   Stephanie Kettler?

4           A    Before the 18th?

5           Q    Before she --

6           A    Before she sent the e-mail?

7           Q    Yeah. Did she phone you or did she send  
8   you a separate e-mail?

9           A    No. This was the e-mail that she sent.

10          Q    This is the e-mail she sent?

11          A    Uh-huh.

12          Q    So --

13          A    That's when she contacted me.

14          Q    All right. So what did she say to you in  
15   that e-mail?

16          A    Well, this one.

17          Q    All right. There was no other e-mail?

18          A    There was no other e-mail.

19          Q    All right. There was no other e-mail than  
20   this e-mail concerning the way in which you were  
21   contacted ultimately by Mr. Riff?

22          A    Uh-huh.

1 Q Right?

2 Were there any phone conversations?

3 A I don't -- I don't think so.

4 Q All right.

5 A I don't think so.

6 Q So after --

7 A I think I looked at it and I just assumed  
8 that ...

9 Q So when you told him within two hours after  
10 he e-mailed you --

11 A Uh-huh.

12 Q -- quote, "I am waiting to hear back from  
13 my lawyer about this topic," what did you mean?

14 MR. ROACH: Objection. Privileged.

15 MR. RASKOPF: Well, okay.

16 BY MR. RASKOPF:

17 Q You may answer.

18 A That I wanted to talk to my lawyer before I  
19 spoke -- before I spoke to anyone else --

20 Q Right.

21 A -- about this.

22 Q So after you got his e-mail and replied --

1 well, you had already contacted your lawyer, but you  
2 hadn't spoken to your lawyer yet?

3 A Uh-huh.

4 Q Who was your lawyer that you're referring  
5 to there?

6 MR. ROACH: Objection. Privileged.

7 A At the time I was contacting -- I was  
8 speaking with Phillip.

9 Q Phil Moss?

10 A Phil Moss, yeah.

11 Q Okay. So you called Phil Moss after you  
12 got Riff's e-mail?

13 A Uh-huh.

14 Q And you replied to Riff after you contacted  
15 Moss but had not yet had a conversation with him?

16 A I believe so.

17 Q Okay. And you said, "I should hear back  
18 from him at the end of the day eastern time. So if  
19 you call me this evening, I can say yea or nay."

20 Right?

21 A Uh-huh.

22 Q And so you did have a phone conversation

1 with Mr. Moss that day?

2 A I don't remember if it was that day or if  
3 it was the next day.

4 Q All right.

5 A I don't remember.

6 Q Well, there came a time when you had a  
7 conversation with Mr. Riff?

8 A Yes.

9 Q All right. And was that before --

10 A I don't know if I talked to my lawyer that  
11 day, the day that I -- on the 18th, or when.

12 Q Do you have a recollection --

13 A I don't remember.

14 Q -- that you talked to your lawyer before  
15 you had a full conversation with Mr. Riff about his  
16 paper?

17 A Yes.

18 Q All right. So you know there was a  
19 conversation?

20 A Uh-huh.

21 Q And thereafter you spoke to Mr. Riff?

22 A After I spoke to Mr. Riff?

1           Q    After you spoke to Mr. Moss, then you spoke  
2 to Mr. Riff. Right?

3           A    Yes.

4           Q    Okay.

5           A    I believe so.

6           Q    Do you recall when you spoke to Mr. Riff  
7 after your e-mail of November 18?

8           A    I don't recall.

9           Q    Was it within a few days or a few weeks  
10 or --

11          A    It may have been within a couple of days.

12          Q    You did have a conversation?

13          A    Yes.

14          Q    And what was the substance of the  
15 conversation?

16          A    He was just asking my opinion about mascots  
17 and imagery and stuff.

18          Q    How long did that conversation last?

19          A    Not that long. Ten minutes, maybe.

20          Q    Was it one or two conversations?

21          A    It was one.

22          Q    Did you have any further conversations with

1 him after that one conversation?

2 A No.

3 Q Did you have any other contact with him  
4 after that conversation?

5 A I believe he sent -- when he was done with  
6 his paper, I think he sent it over. Maybe like a week  
7 later.

8 Q All right. A week after your conversation  
9 would be your recollection, more or less, he sent you  
10 a copy of his --

11 A Uh-huh.

12 Q -- then completed paper?

13 A Uh-huh.

14 Q And that paper was based in part upon some  
15 of the comments and conversation that you had had with  
16 him. Right?

17 A Uh-huh.

18 (Blackhorse Exhibit 4 and Blackhorse  
19 Exhibit 5 marked for identification, to be attached to  
20 the transcript.)

21 MR. RASKOPF: We're marking Exhibits 4 and  
22 5 for identification.

1                   MR. ROACH: These are Exhibits 4 and 5, you  
2 said?

3                   MR. RASKOPF: Yes.

4                   MR. ROACH: Which is which?

5                   MR. RASKOPF: Exhibit 4 is a one-page  
6 document identified as Blackhorse 132 at the bottom.

7 BY MR. RASKOPF:

8                   Q Do you see Exhibit 4 in front of you?

9                   A Oh, yes, I do.

10                  Q Okay. And --

11                  A Four and five.

12                  Q All right. And four is an e-mail that  
13 Mr. Riff sent to you?

14                  A Yes.

15                  Q And he enclosed the paper that he wrote?

16                  A Uh-huh.

17                  Q And that e-mail is dated December 11th,  
18 2009. Right?

19                  A Uh-huh.

20                  Q And he also sent you his paper?

21                  A Uh-huh.

22                  Q And that paper is Exhibit 5, is it not?

1 A Uh-huh. Yes, it is.

2 Q And you've seen that paper before?

3 A Yes.

4 Q And you've read it?

5 A I read it, yeah.

6 Q And during your earlier phone conversation  
7 with him, he apprised you of a national election  
8 survey poll that had been conducted. Right?

9 A Is that on Page 3?

10 Q Well, you tell me.

11 A I'm reading right here.

12 Q And this is --

13 MR. ROACH: Objection. Ambiguous.

14 BY MR. RASKOPF:

15 Q Well, let me ask you, the subject of the  
16 National Annenberg Election Survey, which conducted a  
17 poll and inserted a question for Native American  
18 respondents only, did come up during your conversation  
19 with Mr. Riff. Right?

20 A I don't think that it came up. I don't  
21 know.

22 Q Well, which is it; you don't think it did,



1 or you don't know?

2 A I don't know. I don't know. Because when  
3 he interviewed me, it was on my perspective. But I  
4 don't know if he brought up the poll. I can't say. I  
5 don't know.

6 Q Well, he didn't tell you about this  
7 particular poll during your conversation?

8 MR. ROACH: Objection. Asked and answered.

9 BY MR. RASKOPF:

10 Q You may answer.

11 A I don't know. I don't remember the content  
12 of the --

13 Q The specific?

14 A Yeah, the specific stuff.

15 Q So turn to Page 6 of the report of  
16 Mr. Riff's study that you spoke to him about. And the  
17 second paragraph thereof.

18 A Which one?

19 Q The second full paragraph, the last  
20 sentence.

21 A Which is the one that's starting out that  
22 says, Looking at American Indians, or --

1           Q    No.  I am on Page -- Document 138,  
2   BLACKHORSE 128.

3           A    Okay.

4           Q    The second full paragraph.  The last  
5   sentence of that paragraph, beginning with the word  
6   "Blackhorse."

7                    Could you just read that sentence into the  
8   record.

9           A    "Blackhorse raises the issue that you  
10   cannot judge a community as vast and diverse as the  
11   American Indian population with a single poll."

12          Q    Okay.  And does that accurately reflect  
13   your conversation with him?

14                   MR. ROACH:  Objection.  Ambiguous.

15          A    I believe so.  I mean, I just -- I raised  
16   the issue, it says here.

17          Q    Right.

18          A    But like I said before, I don't remember  
19   the exact content of the conversation, it's been so  
20   long.  But yes, I do believe this last statement.

21          Q    Right.  And that statement was raised in  
22   relation to the Annenberg poll, was it not?

1           A    I don't know if it was specifically about  
2   that poll, but I -- generally polls to me are -- are  
3   not based in evidence or research. So that's ...

4           Q    Okay. Polls generally are not based in  
5   evidence and research --

6           A    Yes.

7           Q    -- as far as you're concerned?

8           A    Yes. So I don't think that you can judge a  
9   community on one single poll from one organization.

10          Q    All right. And did you look at the  
11   Annenberg poll?

12          A    No.

13          Q    You never looked at the Annenberg poll?

14          A    No.

15          Q    You don't know what its --

16          A    I don't know even what the Annenberg is.

17          Q    -- results were?

18                Well, you read the part of this report.

19          A    Prior to our conversation, before he wrote  
20   this, no. I don't know.

21          Q    Well, his report on Page 3 says, quote,  
22   "The National Annenberg Election Survey conducted one

1 such poll in 2004 as part of its nationwide survey."

2 A Uh-huh.

3 Q "Adam Clymer, the political director for  
4 the NAES at the time, inserted a question for Native  
5 American respondents only, asking if the name Redskins  
6 bothered them."

7 And then the next sentence is, Of the 78 --  
8 "768 Natives who responded, 90 percent said the name  
9 did not bother them and nine percent were offended by  
10 it."

11 Do you see that?

12 A Yes, I see that.

13 Q Right. Now, that came up in your  
14 conversation with Mr. Riff, didn't it?

15 MR. ROACH: Objection. Asked and answered.

16 A It may have.

17 Q Well, as you sit here today, do you  
18 believe --

19 A I'm not denying it, and I'm not saying that  
20 it never -- it never came up. Like I said, the  
21 content of the conversation, it's been so long ago.  
22 It may have came up. But --

1 Q Is there --

2 A I mean, it obviously did, because I said  
3 back here that you cannot judge a community as vast  
4 and diverse as the American Indian population with a  
5 single poll. So obviously it did come up in the  
6 conversation, and I did refer to it.

7 But as far as having knowledge of this  
8 specific poll, I didn't have any knowledge of it prior  
9 to our conversation.

10 Q So he may have related the results of the  
11 poll, but you weren't aware of the poll before he told  
12 you about it?

13 A Yes.

14 Q That's your testimony?

15 A Correct. Yes.

16 Q Okay. And then you issued a comment  
17 about -- that is reflected in this report.

18 A Uh-huh.

19 Q That related to that particular poll.  
20 Right?

21 A Uh-huh.

22 Q Yes?

1           A    No, not that particular poll.  It was to a  
2 poll.

3           Q    Which poll?

4           MR. ROACH:  Objection.  Asked and answered.

5           A    I don't know.

6           Q    Do you remember any other poll other than  
7 this one coming up in your conversation with him?

8           A    I don't remember.

9           Q    Do you see, in this paper that you  
10 received, any reference to any poll other than the  
11 Annenberg election survey poll that we've been  
12 discussing?

13          A    Repeat the question.

14          Q    Do you see any other poll mentioned in this  
15 paper?

16          A    I'm going to have to look at the paper.

17          Q    Sure.  Go ahead.

18          A    I see in here the New York Times conducted  
19 a poll.  Because you asked me if I've seen any other  
20 polls in this paper.  Right?

21          Q    On what page?

22          A    Page 6.  Right below the first paragraph.

1 And I did not know about this.

2 Q Well, this says "Clymer, the New York Times  
3 veteran who conducted the poll, believes that  
4 proponents" --

5 A Oh, never mind. Sorry. Sorry. Okay.

6 Q Let me just finish. The sentence you're  
7 referring to says, "Clymer, the New York Times veteran  
8 who conducted the poll," referring to the Annenberg  
9 poll. Correct?

10 A Yes. So they are referring to the -- yeah.

11 Q Right. "Believes that proponents of  
12 keeping the name who use the poll as justification are  
13 misusing the data."

14 Do you see that?

15 A Yes.

16 Q So there's no other reference to any other  
17 poll in this -- in this paper, is there?

18 A Hold on. Hold on one second.

19 I don't see any other polls in here.

20 Q So your best recollection as you sit here  
21 today is the poll that you discussed with Mr. Riff was  
22 the Annenberg poll. Right?

1           A    In -- yeah, it may have been.

2           Q    And after you discussed the Annenberg poll,  
3 did you look into the Annenberg poll?

4           A    No.

5           Q    After you read the report --

6           A    Uh-huh.

7           Q    -- that you said you read, that said that  
8 90 percent of Native Americans of the 768 Native  
9 Americans who were surveyed said that the use of  
10 Redskins by the Washington Redskins didn't bother  
11 them, you didn't bother to look at the survey --

12          A    No.

13          Q    -- at that time either?

14          A    No.

15          Q    Do you know anything about the National  
16 Annenberg Election Survey?

17          A    No.

18          Q    You have not ever bothered to investigate  
19 the bona fides of such a survey?

20          A    No.

21               MR. ROACH:  Objection.  Asked and answered.

22               BY MR. RASKOPF:



1 Q And why not?

2 A Because I have no reason to.

3 Q Well, if you had information that a  
4 representative sample of Native Americans across the  
5 United States did not --

6 A But we don't know if it's representative of  
7 all Natives across the United States.

8 Q Can I finish my question first?

9 A Sure.

10 Q If you knew that the survey reported that a  
11 representative sample of Native Americans across the  
12 United States had been interviewed and responded, and  
13 that these were the results, would that change your  
14 view about the use of the designation "Redskins" by  
15 the Washington Redskins?

16 A No.

17 Q You don't know one way or the other whether  
18 it's the business of the National Annenberg Election  
19 Survey to conduct representative surveys?

20 A What was that, again?

21 Q Do you know that it's their business, it's  
22 the business of this particular polling company, to

1       conduct representative surveys?

2               A     No.

3               Q     That that's what they do for a living?

4               A     No.

5                   MR. ROACH:  Objection.  Asked and answered.

6       BY MR. RASKOPF:

7               Q     You don't know that.  Right?

8               A     No.

9               Q     Okay.  Are you aware of any other surveys  
10      which --

11               MR. RASKOPF:  Well, withdrawn.

12      BY MR. RASKOPF:

13               Q     In this paper you say -- This is on Page 6,  
14      Document Number 138 -- quote, "Blackhorse raises the  
15      issue that you cannot judge a community as vast and  
16      diverse as the American Indian population with a  
17      single poll."

18               Do you see that?

19               A     Yes.

20               Q     And we have covered the Annenberg poll.

21               Are you aware of any other polls that have  
22      addressed this issue?

1           A    Like I said before, I may have seen them  
2           online, but I wouldn't begin to know where I would be  
3           able to find them.

4           Q    Are you referring to the Sports Illustrated  
5           poll?

6           A    No. But I -- now that you say that, I  
7           think I remember there was something in one of the  
8           national athlete media outlets who did something like  
9           that.

10          Q    Okay. There was a national media outlet  
11          that conducted a poll that you can recall that had to  
12          do with --

13          A    Yes.

14          Q    -- use of Redskins?

15          A    No, I don't think it was the Red -- I don't  
16          remember.

17          Q    Are you aware of a study conducted by  
18          Sports Illustrated that was reported in SI, Sports  
19          Illustrated.com as stating, quote: "A recent poll  
20          suggests that although Native American activists are  
21          virtually united in opposition to the use of Indian  
22          nicknames and mascots, the Native American population

1 sees the issue far differently"?

2 Do you remember that?

3 A (Witness shakes head.)

4 Q No one has brought to your attention a poll  
5 conducted by Sports Illustrated concerning this issue?

6 A May have. I don't know.

7 Q It may have been brought to your attention?

8 A May have, yeah.

9 Q Do you remember a poll ever saying, quote,  
10 "As for pro sports, 83 percent of Native American  
11 respondents said teams should not stop using Indian  
12 nicknames, mascots, characters, and symbols"?

13 A I don't know.

14 Q Do you consider yourself an activist?

15 MR. ROACH: Objection. Ambiguous.

16 A I wouldn't say an activist. I consider  
17 myself advocate.

18 Q And what's the difference between activist  
19 and advocate?

20 A I think an activist has a radical or almost  
21 a negative term to -- or connotation to it. But  
22 advocate is -- is someone who advocates for people who

1 need help. But I wouldn't be offended if someone  
2 called me an activist.

3 Q If someone labeled you an activist, you  
4 wouldn't say, That's not me. Right?

5 A Uh-huh; yeah.

6 Q Would you consider Suzan Harjo an activist?

7 A I think she's a great advocate.

8 Q Same answer?

9 A I would --

10 Q Go ahead.

11 A I would say she's an activist.

12 Q And you really don't know one way or the  
13 other what the view of a majority of Native Americans  
14 is with respect to the Washington Redskins' use of the  
15 Washington Redskins trademark, do you?

16 A I think I do.

17 Q Based on what?

18 A Well, there are national organizations,  
19 like NCAI or the tribes and advocates who have said  
20 that they are offended by the term.

21 Q I'm asking you about Native Americans  
22 generally across the United States.

1           A    Well, I think that is representative of  
2 Native Americans.

3           Q    So you think that organizations that  
4 express a point of view are different from the people  
5 whom they represent?

6           A    No.

7           Q    You think they are the same?

8           A    I think they are the people they represent.

9           Q    So if you really want to know what Native  
10 Americans are thinking, don't ask them; ask  
11 organizations that represent them?

12           MR. ROACH:  Objection.  Asked and answered.

13           BY MR. RASKOPF:

14           Q    Is that what you're saying?

15           A    Say that again?

16           MR. RASKOPF:  Read it.  Please repeat it.

17           (The reporter read the record as follows.

18           "QUESTION:  So if you really want to know  
19 what Native Americans are thinking, don't ask them;  
20 ask organizations that represent them?")

21           A    Ask both.  It's not either/or.  I mean,  
22 it's not one or the other.

1           Q    So you know there are polls out there that  
2 indicate that Native Americans are not offended by the  
3 use of Washington Redskins by the Washington Redskins.

4                   Right?

5           A    Okay.  So I know that there are polls --  
6 I'm sorry, repeat that again.

7           Q    You know there are polls out there right  
8 now that say that most Native Americans are not  
9 offended by the use of the designation Washington  
10 Redskins by the Washington Redskins.  Right?

11          A    I know there are polls out there.  But  
12 whether or not they're valid, I ...

13          Q    But you know what the polls say.  Whether  
14 they're valid or not is a separate question.

15                   You know what the polls say.  Right?

16                   MR. ROACH:  Objection.  Ambiguous.

17          A    I have an idea.

18          Q    Right.  Because Riff told you about one of  
19 them.  Right?

20          A    Uh-huh.

21          Q    And you were aware of the Sports  
22 Illustrated poll, too.  Right?

1           A    Vaguely, yes.

2           Q    Right. All right. And you don't want to  
3 take them, those polls into account when you're  
4 determining that you think that the majority of Native  
5 Americans are offended by the designation Washington  
6 Redskins. Right?

7           A    No.

8           Q    They're not consistent with your view of  
9 the -- your personal view of whether the designation  
10 Washington Redskins is offensive or not. Right?

11          A    It's offensive to me.

12          Q    Right. It's offensive to you?

13          A    Yes.

14          Q    And that's a personal position?

15          A    And I'm a part of a community. And I am a  
16 Native person. And I'm saying that I'm offended by  
17 it.

18          Q    Yes, I understand that you in your capacity  
19 as a Native American are offended by that.

20          A    Yes.

21          Q    Right. Okay. But beyond that, you're just  
22 speculating about what others think in general?



1           A    No, I'm not speculating. I'm saying there  
2   are organizations out there to represent Native people  
3   and are Native people themselves who are offended by  
4   it as well.

5           Q    And many, many Native Americans who have  
6   been polled who are not offended. Right?

7           MR. ROACH: Objection.

8           A    Well, we don't know who those Native  
9   American people are in these polls. We don't know if  
10  it's representative of the entire -- of all the Native  
11  people.

12          Q    Right. So you would have to really look at  
13  the poll?

14          A    Yes.

15          Q    You would study the poll. Right?

16          A    Yes.

17          Q    And you would try to find out if that  
18  survey organization was a reputable survey  
19  organization. Right?

20          A    Yes.

21          Q    And you would look at how they evaluated --  
22  how they found those Native Americans?

1           A    Their sample, yes.

2           Q    Was the sample good, you would look at  
3 that. Right?

4           A    Yes.

5           Q    And you would look at the number of Native  
6 Americans that were surveyed. Right?

7           A    Uh-huh.

8           Q    And you would assess, if the data permitted  
9 you to, you would look at their income levels?

10          A    Uh-huh. Are they Native American.

11          Q    Right.

12          A    They may not be.

13          Q    And if they identify themselves as Native  
14 Americans, that is probably a starting point. Right?

15          A    Uh-huh.

16          Q    For assessing whether Native Americans  
17 validly became part of the study?

18          A    Uh-huh.

19          Q    And you, personally, haven't conducted any  
20 poll or survey about this. Right?

21               MR. ROACH: Objection. Asked and answered.

22          A    No.

1           Q    What Native American organizations, such as  
2   NCAI, that you're aware of, or any one of the  
3   organizations that you've told us about that support  
4   your view, have conducted a poll of Native Americans?

5           MR. ROACH:  Objection.  Foundation.

6           A    I don't know.

7           Q    Are you aware of any as you sit here today?

8           A    No.

9           Q    All right.  So you're not aware of a single  
10  poll conducted by any Native American organization or  
11  tribe that measures Native Americans' reaction to the  
12  use of the designation Washington Redskins by the  
13  Washington Redskins?

14          A    Yes.

15          Q    Indeed, you know that there are Native  
16  American schools that use the designation redskin as  
17  team nicknames.  Right?

18          A    Uh-huh.

19          Q    You're familiar with the Red Mesa Redskins.  
20                Right?

21          A    Uh-huh.

22          Q    And you know that that's a Native American

1 school, isn't it?

2 A Uh-huh.

3 Q And --

4 A Yes, it is.

5 Q Well, let me ask the reporter -- when you  
6 use the words uh-huh, you mean yes. Right?

7 A Yes.

8 Q Thank you.

9 Where are the Red Mesa Redskins' high  
10 school, where is that located?

11 A I'm not too sure. In Red Mesa, I'm  
12 guessing.

13 Q Well, I mean, you've been contacted about  
14 Red Mesa, the Red Mesa Redskins' high school, have you  
15 not?

16 A Yes, I have.

17 Q By Suzan Harjo. Correct?

18 A Yes.

19 Q And she was concerned that a Native  
20 American institution was using Redskins as their  
21 nickname. Right?

22 A Uh-huh; yes.

1           Q   And she asked you to try to do something  
2 about it, didn't she?

3           A   Yes.

4           Q   You and one other of the petitioners?

5           A   Uh-huh. Yes.

6           Q   What did you do about it?

7           A   Nothing at the time.

8           Q   And nothing to the present. Right?

9           A   Yes.

10          Q   Right. Neither you nor he?

11          A   Yes.

12          Q   Right.

13          A   I don't know about him, so I don't want to  
14 speak for him. But for me.

15          Q   As far as you're concerned, he didn't do  
16 anything?

17          A   Yes. As far as I am concerned, yes.

18          Q   There's an e-mail that she sent to -- Suzan  
19 Harjo sent to both you and he?

20          A   Yes.

21          Q   And he got back and said something?

22          A   Uh-huh.

1 Q And you were cc'd on that?

2 A Yes.

3 Q But there was no follow-up in e-mails from  
4 either him or Suzan Harjo about this. Right?

5 A Yes.

6 Q And there were no conversations about it,  
7 as far as you can recall, either, were there?

8 A Yes.

9 Q That means yes, there were no  
10 conversations?

11 A There were no conversations.

12 Q Correct.

13 MR. RASKOPF: Mark as the next exhibit.

14 (Blackhorse Exhibit 6 marked for  
15 identification, to be attached to the transcript.)

16 BY MR. RASKOPF:

17 Q All right. And that's the home page of the  
18 Red Mesa High School?

19 A Are you asking me?

20 Q Yes.

21 A It appears so.

22 Q All right. And you see there in the --

1 right in the center of the first document, of the  
2 first page, it says, "Mission statement, to provide  
3 quality education and preparation for successful  
4 interaction in the changing technological world while  
5 enhancing Navajo culture."

6 Do you see that?

7 A Uh-huh.

8 Q You are a Navajo. Right?

9 A Yes, I am.

10 Q Okay. So this is while enhancing your  
11 culture. That's what they're referring to, because  
12 you're a part of Navajo culture. Right?

13 A Yes.

14 MR. RASKOPF: Mark this Exhibit 7 for  
15 identification.

16 (Blackhorse Exhibit 7 marked for  
17 identification, to be attached to the transcript.)

18 BY MR. RASKOPF:

19 Q Do you see Exhibit 6 and 7 -- I'm sorry,  
20 Exhibit 7.

21 A Uh-huh.

22 Q Do you see the photographs in the middle of

1 Exhibit 7?

2 A Uh-huh.

3 Q And the first one -- and "uh-huh" means  
4 yes. Right?

5 A Yes. Sorry.

6 Q And the first one says "Redskins" right in  
7 the middle of it in the back of the gym. Right?

8 A Yes.

9 Q And the one below it says "Redskins pride,"  
10 does it not?

11 A Yes.

12 Q And that's on -- that's attached to the  
13 wall in the gymnasium. Right?

14 A It looks, yes.

15 Q Right. Based on this photograph.

16 A Uh-huh.

17 Q And underneath the photograph are the words  
18 "Red Mesa Redskins basketball gym."

19 Do you see that?

20 A Yes.

21 Q All right. Now, as far as you know,  
22 they're still playing basketball under the designation



1 Red Mesa Redskins. Right?

2 A I don't -- I don't know.

3 Q Well --

4 A Last I heard.

5 Q Okay.

6 A In the e-mail.

7 Q Last you heard.

8 A Uh-huh.

9 Q You haven't heard anything about the Red  
10 Mesa Redskins since then. Right?

11 A No.

12 Q Have you polled the Red Mesa Redskins' high  
13 school about the Washington Redskins' use of the  
14 designation Redskins by the team?

15 A No.

16 Q So you don't know what the population of  
17 Red Mesa High School thinks about the Washington  
18 Redskins using the designation Redskins, as you sit  
19 here?

20 A No.

21 Q Do you draw any distinction between the use  
22 of the Red Mesa High School Redskins designation and

1 the use of the designation Redskins by the Washington  
2 Redskins?

3 A No.

4 Q You think they're equally the same?

5 A Yes.

6 Q So it's as offensive to you that the  
7 Navajos who are going to school at Red Mesa High  
8 School use the word "Redskins" for their basketball  
9 team as it is for the Washington Redskins to use  
10 Washington Redskins to denote entertainment services  
11 in the nature of professional football games?

12 A Yes.

13 Q So if two Native Americans, Navajos, at the  
14 Red Mesa High School game go "Go Redskins" to each  
15 other, like they're both rooting for the same team,  
16 they both look at each other and they go "Go Redskins"  
17 to each other, the impact on you would be the same as  
18 if two fans of the Washington Redskins said "Go  
19 Redskins" to each other at an NFL game?

20 A Yes.

21 Q So essentially anytime that someone uses  
22 Redskins or Skins, it has that offensive impact on

1     you.   Right?

2                 MR. ROACH:  Objection.  Asked and answered.

3                 A     Yes.

4                 MR. RASKOPF:  Mark this Exhibit 8 for  
5     identification.

6                 (Blackhorse Exhibit 8 marked for  
7     identification, to be attached to the transcript.)

8     BY MR. RASKOPF:

9                 Q     I show you exhibit ... marked for  
10    identification.

11                Okay.  You have that exhibit in front of  
12    you?

13                A     Uh-huh.

14                Q     And this is Blackhorse Document Numbers  
15    1028 and 1029, for the record.  If you could go to the  
16    second page of this exhibit.

17                The first e-mail is -- and correct me if  
18    I'm wrong -- it's an e-mail to -- from you to Raymond  
19    Apodaca, Manley Begay, Marcus Briggs, Phil Gover, and  
20    others, which basically is the list of the petitioners  
21    in the Harjo case and in the Blackhorse case.  Right?

22                A     Uh-huh.

1           Q    So you sent this e-mail to all the  
2 petitioners in both cases?

3           A    Uh-huh.

4           Q    And in that e-mail you identified yourself?

5           A    Uh-huh.

6           Q    Right? And you keep saying "uh-huh," but  
7 you mean yes.

8           A    Yes. Yes, I mean yes. I'm sorry.

9           Q    That's okay. It's not really me who has  
10 the problem with it.

11                   And you got a reply from Shquanebin  
12 Lone-Bentley, did you not?

13          A    Shquanebin.

14          Q    And you know Shquanebin Lone-Bentley.

15                   Right?

16          A    Yeah.

17          Q    You've corresponded with her over the  
18 years?

19          A    Yes.

20          Q    And had you ever heard or spoke of or  
21 spoken to Shquanebin Lone-Bentley before you sent out  
22 this Yahateeh everyone e-mail to the petitioners

1 combined?

2 A No.

3 Q Okay. So this is the first time you've  
4 ever been in contact with her?

5 A Yes.

6 Q All right. And likewise, it's the same;  
7 it's the first time she ever contacted you?

8 A Yes.

9 Q And her first contact with you in the first  
10 sentence she wrote to you, she says, quote, "Must be  
11 something about the southeastern skins, laugh out  
12 loud." Right?

13 A Uh-huh.

14 Q And by using the word "skins" there she  
15 means Redskins. Right?

16 A Well, sometimes in -- amongst ourselves  
17 I've heard people use the term "skins" to just  
18 informally refer to each other. It's similar to the  
19 way that African-Americans refer to each other using  
20 the N word. That's kind of how it's taken. It  
21 wouldn't be okay for someone to call someone else a  
22 skin, or someone who is non-Native to call another --

1 a Native person a skin. Informally some Natives do do  
2 that. And I have heard some Natives do that before.  
3 Myself, no.

4 When I read that I was taken aback, because  
5 to me it's -- it's not an appropriate term to use.

6 Q It is an appropriate or it is not  
7 appropriate?

8 A It is not an appropriate to use, yes.

9 Q And you responded to her e-mail?

10 A Uh-huh.

11 Q Did you not?

12 A Yes, I did.

13 Q And your e-mail back to her --

14 A Uh-huh.

15 Q -- doesn't make any reference to the fact  
16 that you think that her use of skins there is  
17 inappropriate, does it?

18 A No, it isn't.

19 Q And you said sometimes people, Native  
20 American people, refer to each other in private as  
21 skins?

22 A Uh-huh.

1 Q And that doesn't bother you?

2 A It bothers me.

3 Q Oh, that bothers you, too?

4 A Yes, it does.

5 Q Okay. The reason it doesn't -- well, when  
6 Ms. Lone-Bentley said, "Must be something about  
7 southeastern skins, laugh out loud," she wasn't  
8 disparaging you, was she?

9 A She was.

10 MR. ROACH: Objection. Hearsay.

11 BY MR. RASKOPF:

12 Q You think she was?

13 A Yes. The term is offensive to me.

14 Q And you would never use that word. Right?

15 A No.

16 Q Even in private conversation?

17 A (Witness shakes head.)

18 Q And you never have?

19 A No.

20 MR. RASKOPF: She's saying no.

21 BY MR. RASKOPF:

22 Q You're aware of other petitioners who --

1 well, this petitioner, Ms. Lone-Bentley did use it to  
2 refer to you. Right?

3 A Well, she means Southeastern. She's  
4 talking about guys from the South, Southeast.

5 Q Right. Okay. So she's referring to --

6 A So the five --

7 Q -- guys from the Southeast --

8 A Yes.

9 Q -- who are Native Americans?

10 A Yes.

11 Q So she's not even referring to you?

12 A No.

13 Q She's referring to --

14 A She's referring to guys from the Southeast.

15 Q And that's how you understood it?

16 A Yes.

17 Q All right. But she's using skins to refer  
18 to --

19 A To Natives.

20 Q -- Native Americans from the Southeast --

21 A Yes.

22 Q -- in the U.S. Right?



1           A    Yes.

2           Q    Did she ever tell you that she made a  
3           mistake or she apologized for using an offensive term  
4           to you?

5           A    No.

6           Q    So as far as you are aware, she had no  
7           problem with using that designation, southeast skins,  
8           to refer to Native Americans. Right?

9           A    I don't know. I don't know if she did. I  
10          don't know if she did.

11          Q    You just don't know?

12          A    I don't know.

13          Q    You just know she used it?

14          A    Yes.

15          Q    Right. In an e-mail she sent to you?

16          A    Yes.

17          Q    And she had never met you or spoken to you  
18          before this e-mail?

19          A    Yes.

20          Q    Right. Okay. And she's a petitioner, or  
21          was?

22          A    She was a petitioner.

1 Q She is no longer a petitioner. Right?

2 A I believe so, yes.

3 Q And why is that?

4 A I have no idea.

5 Q You never spoke to her about it?

6 A Unh-unh.

7 Q You didn't contact her after you found out  
8 she wasn't?

9 A I attempted to contact her; I was  
10 unsuccessful.

11 Q Where did you try to reach her?

12 A By e-mail.

13 Q You sent her --

14 A And on -- I looked for her on Facebook.

15 Yeah.

16 Q And were unable to locate her there, also?

17 A Yes.

18 Q Did she ever utter a reservation she might  
19 have had about continuing on in this case?

20 MR. ROACH: Objection. Hearsay.

21 A No.

22 Q Did she ever indicate any sort of

1       uncertainty about being involved in this case?

2                   MR. ROACH:  Objection.

3           A     No.

4           Q     Is it surprising to you that she dropped  
5       out of the case?

6           A     Yeah.

7           Q     And why does it surprise you?

8           A     Because I hadn't heard from her in a while,  
9       so I'm just concerned about her.

10          Q     But what does that have to do with your  
11       being surprised that she dropped out?

12          A     Just that.  That she -- that I was  
13       concerned about her.

14          Q     I understand you were concerned.

15          A     That she was -- yeah.

16          Q     Okay.  You expected her to continue in the  
17       case.  Right?

18          A     Yes.

19          Q     Who is Dan Wildcat?

20          A     Dan Wildcat is a professor at Haskell  
21       Indian Nations University.  I took a class -- a couple  
22       of his classes at Haskell.

1           Q    Okay.  He's at Haskell, and he's a  
2 professor?

3           A    Uh-huh.  I don't know if he still is,  
4 though.  I haven't spoken to him in some time.

5           Q    So you knew of him while you were at  
6 Haskell?

7           A    Yeah.  I took a couple of his classes.

8           Q    When is the last time you spoke to Dan  
9 Wildcat?

10          A    I don't remember.

11          Q    Do you remember --

12          A    It's been -- it's been a long time.  I  
13 think -- I think I visited with him when I went out to  
14 Haskell to speak, to attend a conference of some sort  
15 in 2009 or '8, I believe.

16          Q    Okay.  This would have been a conference  
17 about Native American issues?

18          A    Uh-huh.

19          Q    And did you have a meeting with him or you  
20 just ran into him, or what?

21          A    I think I just ran into him.

22          Q    And have you ever been in touch with Dan

1 Wildcat about your lawsuit against the Washington  
2 Redskins?

3 A I do recall talking to him at the  
4 university, at Haskell, about Suzan Harjo. And it was  
5 in passing, it was a quick conversation about, hey,  
6 there's this -- I don't remember exactly what was  
7 said, but we briefly discussed it.

8 Q So there was some brief discussion between  
9 you and Mr. Haskell, Professor Haskell, about Suzan  
10 Harjo?

11 A Professor Wildcat.

12 Q I'm sorry.

13 A Yes.

14 Q Right. Professor Wildcat.

15 Did he mention the lawsuit --

16 MR. ROACH: Objection.

17 BY MR. RASKOPF:

18 Q -- that Ms. Harjo had filed?

19 A No, he did not mention it. He just said it  
20 was -- that there's a new lawsuit that may be filed,  
21 and I passed your contact along. And that was about  
22 it.

1           Q    Did he tell you why he passed your contact  
2 along, you as a contact along?

3           MR. ROACH:  Objection.

4           A    I -- no, he didn't say why.

5           Q    Well, what would have caused him to have  
6 passed your contact information along to Suzan Harjo?

7           A    I think at the time -- I'm speculating --  
8 that it was around when our Not In Our Honor group was  
9 together, and there was a lot of talk around campus  
10 about our group and what we were doing.  And so I  
11 guess that's why.

12          Q    So he formed an opinion that you would be,  
13 among other Native Americans at Haskell University, a  
14 person with perhaps a particular interest in the --

15          A    The person who --

16          Q    -- Native American case.  Right?

17          A    Yes.  A person who is offended.

18          Q    Right.  What subject did you say he  
19 teaches?

20          A    From what I remember, American Indian  
21 Studies, and I do remember the class that I -- that I  
22 attended was -- one of the classes I attended was

1 Western Civilization.

2 Q Okay.

3 A I believe it was Western Civ 1 and 2.

4 Q How many kids are in that class?

5 A Ten, fifteen.

6 Q All right.

7 A Small class.

8 Q Did he tell you that he was ever going to  
9 send anyone else's contact information to Ms. Harjo?

10 A No.

11 Q Do you believe you are the only person that  
12 he decided to send information to Suzan Harjo about?

13 A I don't know.

14 Q You don't know one way or the other?

15 A Yeah.

16 Q Has anyone else at Haskell ever told you  
17 that he sent their information along to Suzan Harjo?

18 MR. ROACH: Objection.

19 A No.

20 Q You're not aware that any other person who  
21 was in your class was identified to Suzan Harjo by Dan  
22 Wildcat. Right?

1           A    Not to my knowledge.

2           Q    Before we get to this ...

3           MR. RASKOPF:   Off the record.

4               (Discussion off the record.)

5               (Blackhorse Exhibit 9 marked for  
6   identification, to be attached to the transcript.)

7   BY MR. RASKOPF:

8           Q    Do you have the document in front of you?

9           A    Yes.

10          MR. ROACH:   Can we get a copy?   Oh.

11   BY MR. RASKOPF:

12          Q    And this is an e-mail that you received  
13   from Suzan Harjo.   Right?

14          A    Uh-huh.   Yes.

15          Q    And is this the first time that you've had  
16   contact with Suzan Harjo?

17          A    Yes.

18          Q    And this is May 7th, 2006?

19          A    Yes.

20          Q    So it was about three months before the  
21   petition was filed.   Right?

22          A    Yes.



1           Q   And had you ever heard of Suzan Harjo  
2 before you received this e-mail?

3           A   Yes.

4           Q   From Dan Wildcat?

5           A   I think our conversation -- my conversation  
6 with Dan Wildcat was after --

7           Q   All right.

8           A   -- this.

9           Q   So how did you for the first time come to  
10 learn of Suzan Harjo?

11          A   I got this -- this e-mail, and then I  
12 contacted some of the members in Not In Our Honor by  
13 phone. And -- because I was thinking that this was a  
14 group thing that we were going to do together. And  
15 Ryan Redcorn is one of them. And I called him. And I  
16 said, Hey, I got this e-mail, you know, let's -- and  
17 then he informed me of the lawsuit, the Harjo lawsuit.

18          Q   All right. But my question was, how did  
19 you for the first time come to learn of Suzan Harjo --

20          A   Oh, Suzan Harjo, I knew about Suzan  
21 Harjo --

22          Q   Just let me finish my question.

1                   So this e-mail, Exhibit 9, Blackhorse  
2 Exhibit 9, is the first time you came to learn of a  
3 person called Suzan Harjo. Correct?

4                   A    No.

5                   Q    All right. And then my question was, was  
6 it in the conversation that you had with Professor  
7 Wildcat that you learned for the first time of Suzan  
8 Harjo?

9                   A    No.

10                  Q    Okay.

11                  A    Because that conversation happened after  
12 this one, after this.

13                  Q    Oh, okay. That happened after this?

14                  A    Yes.

15                  Q    Your conversation with Dan Wildcat?

16                  A    Yes.

17                  Q    All right. So what information --

18                       MR. RASKOPF: Withdrawn.

19 BY MR. RASKOPF:

20                  Q    You're saying that you learned of Suzan  
21 Harjo before you received this e-mail?

22                  A    Yes.

1 Q Okay. When was that?

2 A In school, reading literature, and I know  
3 that she was very active in other issues in the Native  
4 American community. So that's how I knew of her.

5 Q You knew she was active in --

6 A She was a writer.

7 Q Sorry.

8 A Okay. Go ahead.

9 Q She was a writer, you said?

10 A Uh-huh.

11 Q And so you knew she was active in the  
12 Native American causes generally?

13 A Uh-huh. Uh-huh.

14 Q And what causes in which she was active  
15 were you made aware of before you received this e-mail  
16 from her?

17 A I don't remember. Again, this was just  
18 kind of information that -- you know, I was in school,  
19 and they would talk about different advocates and  
20 different issues that were going on.

21 But I'm thinking maybe in repatriation.

22 Q Okay. Repatriation?

1           A    Yes.

2           Q    She had an involvement possibly in -- or  
3 you believe in connection with repatriation?

4           A    Uh-huh.

5           Q    And when you say "repatriation," what do  
6 you mean by that?

7           A    Repatriation of Native artifacts that have  
8 been taken from Native communities and put in museums.  
9 And she I think had a part in retrieving those and  
10 taking them back to their communities, where they come  
11 from.

12          Q    And have you read any of her articles?

13          A    At that time?

14          Q    Yeah. Before --

15          A    Before?

16          Q    -- you got the e-mail from her?

17          A    Not really. I wouldn't say, no. I had  
18 heard about her in classes, but ...

19          Q    Other than the repatriation issue, is there  
20 another issue as to which she was an activist?

21          A    No.

22          Q    Okay. So before you received this e-mail,

1 were you aware that she was actively engaged in a  
2 lawsuit against the Washington Redskins?

3 A No.

4 Q You did not know that?

5 A No.

6 Q So this e-mail, May 7, 2006, is the first  
7 time that you learned that Suzan Harjo was  
8 interested -- was involved in Washington football  
9 team --

10 A No.

11 Q -- matters?

12 No?

13 A No.

14 Q When was that?

15 A I got this e-mail and I read it. And I  
16 called. Like I said, I called my friend Ryan, who was  
17 a part of Not In Our Honor.

18 Q All right.

19 A And I said, Hey. And he said, Oh, yeah,  
20 there's a case. She's the one who -- she's the lead  
21 petitioner. So that's how I found out about it.

22 Q All right. So it was right after this --

1           A    Yes.

2           Q    -- that you heard from Ryan --

3           A    That I called.

4           Q    -- that she had filed the first case  
5 against the Washington Redskins trademarks.

6           A    Yes.

7           Q    Exhibit 9, did you fill out the answers to  
8 Ms. Harjo's questions?

9           A    Yes.

10          Q    And you sent the answer to Ms. Harjo?

11          A    Yes.

12               MR. RASKOPF:  Counsel, I don't believe we  
13 have a document that corresponds to a reply to  
14 Ms. Harjo's e-mail.

15               THE WITNESS:  You don't have that?

16               MR. RASKOPF:  I don't believe we do.

17               MR. WITTEN:  We'll follow up and talk to  
18 you about that.

19               THE WITNESS:  I thought I sent it over.

20   BY MR. RASKOPF:

21          Q    So do you remember what you said?

22          A    I said that as a group -- because I

1       responded back as a member of Not In Our Honor. And I  
2       said, as a group we are interested in this and --  
3       yeah. I answered the questions.

4               Q     Okay. So you have a specific recollection  
5       that you responded to this e-mail --

6               A     Yes.

7               Q     -- in connection with your Not In Our  
8       Honor --

9               A     Uh-huh.

10              Q     -- membership or affiliation?

11              A     Uh-huh.

12                   MR. RASKOPF: Yeah, we don't have that  
13       document.

14                   MR. WITTEN: We will follow up.

15       BY MR. RASKOPF:

16               Q     Did you send that document to Ms. Harjo  
17       through your Yahoo.com account?

18              A     Yes.

19              Q     Under Amanda Blackhorse at Yahoo.com?

20              A     Yes.

21              Q     Do you recall any time having deleted that  
22       e-mail?

1           A    No.

2           Q    So you have a recollection that you replied  
3 to Ms. Harjo's e-mail?

4           A    Uh-huh.

5           Q    Exhibit 9?

6           A    Yes.

7           Q    And hit the "send" button, returning it to  
8 Ms. Harjo?

9           A    Yes.

10          Q    And if form followed, the e-mail that you  
11 sent would have gone into your Sent mailbox. Right?

12          A    Yes. And I have a copy of it, and I  
13 thought I sent it over, but I may have missed it.

14          Q    Okay.

15          A    Yes.

16          Q    So you were asked to provide documents such  
17 as that to counsel?

18          A    Yes.

19          Q    So you know you have it?

20          A    Yes, I know I have it.

21               MR. RASKOPF: Okay. Great. We call for  
22 its production.



1 THE WITNESS: I apologize. I thought I  
2 sent everything over.

3 MR. RASKOPF: That's no problem.  
4 Understandable.

5 MR. WITTEN: Hang on for one second.

6 BY MR. RASKOPF:

7 Q Did you receive a reply from Suzan Harjo to  
8 this e-mail, to your e-mail replying to this e-mail?

9 A I don't remember.

10 Do you have anything? Because if I did get  
11 one back from her, I sent it. I believe I sent it.  
12 But I'm sorry, I can double-check. But -- and I don't  
13 recall what the content of it was.

14 MR. WITTEN: We'll look at the break, we'll  
15 go on to ...

16 MR. RASKOPF: All right.

17 BY MR. RASKOPF:

18 Q Okay. Now, this is May 7th, 2006. Between  
19 May 7th, 2006, and August 11th, 2006, when the  
20 petition was filed, were you interviewed by anyone?

21 A Was I interviewed by -- by -- what do you  
22 mean?

1           Q   Well, did anyone connected to the filing of  
2 the petition interview you?

3           A   I don't think so. I think I spoke to --  
4 no.

5           Q   All right. Did anyone connected to the  
6 filing of the petition speak to you before it --

7           A   My lawyers?

8           Q   Yeah. It could be them, too.

9           A   Yeah.

10          Q   Anyone.

11               And how close to the filing of the petition  
12 was it that they contacted you?

13           MR. ROACH: Objection. Vague.

14          A   I don't remember.

15          Q   When is the first time you talked to a  
16 lawyer?

17          A   I don't remember. Shortly after. Shortly  
18 after this.

19          Q   And was it a lawyer from the Drinker,  
20 Biddle firm, or some other lawyer?

21          A   It was a lawyer from here.

22          Q   All right. Was it Mr. Moss?

1           A    I believe so.

2           Q    All right.  So your first current  
3 recollection of having a conversation with a lawyer  
4 about this case was your conversation with Mr. Moss,  
5 which occurred after you sent your reply to  
6 Ms. Harjo --

7           A    Yes.

8           Q    -- to her, and before the petition was  
9 filed?

10          A    Yes.

11          Q    And how many contacts did you have with the  
12 firm in that interim period?

13          A    I don't know.  It's been so long.  I don't  
14 remember.

15          Q    Do you remember how long the first contact  
16 you had with Mr. Moss was?

17          A    No.

18          Q    Do you remember how long any of the  
19 contacts you had with Mr. Moss were?

20          A    In -- you mean duration?

21          Q    Yes, duration.  I'm not allowed to ask  
22 anything that digs into the details of it.

1           A    Ten, fifteen minutes, I'm guessing. I'm  
2 not sure.

3           Q    Did you participate in the drafting of the  
4 petition?

5                   MR. ROACH: Objection. Vague.

6 BY MR. RASKOPF:

7           Q    You know the petition. I showed it to you.  
8 It's the first document I showed you.

9           A    Uh-huh.

10          Q    And it's identified as Gover-1, for the  
11 record.

12          A    Uh-huh.

13          Q    Did you participate in drafting that  
14 document?

15          A    Yes.

16          Q    In what way?

17          A    I gave a couple of statements to -- yeah.

18          Q    You gave a couple statements. What do you  
19 mean by that?

20          A    I think they asked, you know -- I had to --  
21 uh-huh.

22          Q    They asked you to what?

1 MR. ROACH: Objection. Privileged.

2 BY MR. RASKOPF:

3 Q Did there come a time when you provided  
4 background information for the petition, background  
5 about yourself?

6 MR. ROACH: Objection. Privileged.

7 Don't answer the question.

8 BY MR. RASKOPF:

9 Q You didn't write this petition. Correct?

10 MR. ROACH: Objection. Privileged.

11 MR. RASKOPF: No, I don't think that's  
12 privileged.

13 BY MR. RASKOPF:

14 Q Did you draft this document that's in  
15 evidence, the petition for cancellation?

16 A No.

17 Q Someone else drafted it?

18 A Yes.

19 Q You reviewed this document?

20 A Uh-huh.

21 Q The answer is yes?

22 A Yes.

1 Q And you reviewed it in August of 2006?

2 A Yes.

3 Q Right. And it was sent to you?

4 A Yes.

5 Q And you looked at it. Right?

6 A Uh-huh. Yes.

7 Q And did you make any changes to it at that  
8 time?

9 MR. ROACH: Objection. Privileged.

10 Don't answer the question.

11 MR. RASKOPF: I don't think that's  
12 privileged. I asked her if she changed a document. I  
13 didn't say what changes she made.

14 BY MR. RASKOPF:

15 Q Did you change the document that you  
16 received?

17 MR. ROACH: Don't answer the question.

18 MR. RASKOPF: Sorry?

19 MR. ROACH: I instructed my client not to  
20 answer the question.

21 MR. RASKOPF: Okay. We may have to take  
22 that one up with the board.

1 BY MR. RASKOPF:

2 Q How long did you spend on your review of  
3 the petition after you received it from someone else?

4 A I don't remember.

5 Q Well, was it more than an hour?

6 A About an hour.

7 Q About an hour? It's a four-page document.  
8 Right?

9 A Yes, sir.

10 Q And you think you spent about an hour  
11 reviewing it?

12 A Yeah, I would say so.

13 Q The second-to-last page of this exhibit, of  
14 Gover-1.

15 A Yes.

16 Q Can you turn to the second-to-the-last  
17 page, Bates Number 780.

18 The last full paragraph says, quote, Each  
19 of the petitioners brings this petition to cancel --

20 MR. RASKOPF: Withdrawn.

21 BY MR. RASKOPF:

22 Q "Each of the petitioners bringing this

1 petition to cancel have only just recently reached the  
2 age of majority."

3 Do you see that?

4 A Yes.

5 Q And you were six years out from having  
6 reached the age of majority at the time that this was  
7 filed. Right?

8 A Yes.

9 Q And you think it's fair to have represented  
10 that you had only just recently reached the age of  
11 majority when you authorized this for filing?

12 A Well, you know, it depends on what -- what  
13 that means.

14 Q Well, earlier you said --

15 A Reaching the age of majority.

16 But I can see how a six-year difference,  
17 you know, would bring that up, but ...

18 Q Well, do you think some people could be  
19 surprised at how long the period was after you reached  
20 the age of majority --

21 MR. ROACH: Objection.

22 BY MR. RASKOPF:



1           Q    -- to the period that this was filed, given  
2 your representation that you had only just recently  
3 reached the age of majority?

4           MR. ROACH:  Objection.  Speculation.

5           A    I don't want to speculate on what other  
6 people may feel.

7           Q    All right.  So you told me earlier that  
8 there was nothing in this petition that was false or  
9 misleading.  Right?

10          A    Yes.

11          Q    And so you don't consider that statement to  
12 be false or misleading insofar as it relates to you.

13                   Right?

14          A    No, I don't.

15          Q    Okay.

16                   (Short recess.)

17          MR. RASKOPF:  So during the break counsel  
18 has produced a two-page document that corresponds to  
19 our request for a reply by Ms. Blackhorse to Ms.  
20 Harjo's e-mail asking her some questions.  And I'd  
21 like to have this two-page document marked for  
22 identification.

1                   Is that accurate, counsel; is that what you  
2                   said?

3                   MR. ROACH:   Yes.   It is.

4                   (Blackhorse Exhibit 10 marked for  
5                   identification, to be attached to the transcript.)

6                   BY MR. RASKOPF:

7                   Q    So I show you Exhibit 10 for  
8                   identification, Ms. Blackhorse.

9                   A    Uh-huh.

10                  Q    And does this contain what you believe to  
11                  be your response to Ms. Harjo's request that you  
12                  answer some questions for her in connection with your  
13                  potential candidacy as a petitioner in another case?

14                  A    Yes.

15                  Q    And in this e-mail of yours, which is  
16                  contained in the middle of the page -- sorry, at the  
17                  bottom of the page, you do refer to, in the fourth  
18                  line, you say, quote, "We are a group of students that  
19                  are all located in Lawrence, Kansas."

20                  A    Uh-huh.

21                  Q    "So I would like to inform this before  
22                  anything happens.   But I am almost positive that we

1 would all be willing to take on this issue."

2 Do you see that?

3 A Uh-huh. Uh-huh.

4 Q Now, none of the other members of Not In  
5 Our Honor are in the petitioners in this case.

6 Correct?

7 A Yes, that's correct.

8 Q You're the only one?

9 A Yes.

10 Q In response to Ms. Harjo's question to you,  
11 Number 2, which was -- it's on Page 2. It says,  
12 quote, "Are you interested in pro bono representation  
13 to pursue the matter of the Washington Football Club's  
14 name in court?"

15 And then you answered, quote, "I think that  
16 I would like to discuss this more in person or by  
17 phone."

18 Do you see that?

19 A Yes.

20 Q Why did you say that?

21 A At the time I don't think I understood what  
22 pro bono representation meant.

1           Q    Okay.  And did someone explain to you what  
2   pro bono representation was?

3           A    Uh-huh.

4           Q    And after they explained it to you, then  
5   you were okay with going forward?

6           A    Yes.

7           Q    You knew you wouldn't be paying anything  
8   out of pocket --

9           A    Yes.

10          Q    -- to have to go forward with the case.  
11                Right?

12          A    Yes.

13          Q    And then after you sent your response to  
14   Suzan Harjo's questions to Suzan Harjo, also reflected  
15   in Exhibit 10 is Suzan Harjo's reply to you.  Right?

16          A    Uh-huh.

17          Q    Which was two days later -- the answer was  
18   yes?  "Uh-huh" means yes?

19          A    Yes.

20          Q    It says, "Dear Amanda" -- and this is from  
21   Suzan Harjo.  Quote, "I would be interested in talking  
22   with any Native person who was 18 to 24 who was

1     disparaged by the name of the Washington Football  
2     Club.  If you want to refer anyone to me, please do  
3     so."

4                     Do you see that?

5             A     Yes.

6             Q     And did you have any further correspondence  
7     with her via e-mail concerning this issue?

8             A     Not via e-mail, no.

9             Q     And how about by the phone?

10            A     Yes.

11            Q     Okay.  What occurred?

12            A     She called me, like she said she would.  
13     And I just asked her -- I don't know -- you know, I  
14     didn't know what she was talking about.  So she  
15     informed me -- or we talked about who is willing to  
16     take part in this.

17            Q     Okay.

18            A     And -- and I said I was.

19            Q     And did you discuss any other people who  
20     might be willing to take part in this conversation?

21            A     I mentioned some of the other people in our  
22     group.  I mentioned Caleena Hernasy, and I mentioned

1 Ryan to her. And -- but I -- I wanted to do it.

2 Q Do you know if she followed up with Caleena  
3 and Ryan?

4 A I don't know.

5 Q Did you ever have a conversation with  
6 either Caleena or Ryan concerning their being  
7 contacted by Ms. Harjo?

8 A No.

9 Q Did you give her any other names?

10 A I don't think so.

11 Q Why was that?

12 A Because I was interested, and I wanted to  
13 pursue it.

14 Q But, I mean, why didn't you give her the  
15 names of the other people in the group?

16 A I don't know. I don't remember.

17 Q She didn't ask you for them, I guess.

18 Right?

19 A She just said, Is there anybody interested?  
20 I said, I'm interested.

21 Q Okay.

22 A So ...

1 Q And it didn't get too much past that?

2 A Yeah.

3 Q Other than you giving her some other names?

4 A Uh-huh.

5 Q Do you remember Mr. Gover's introductory  
6 e-mail to the petitioners in the Harjo and the -- and  
7 your case?

8 A Do I remember his what?

9 Q Introductory e-mail. Introducing himself.

10 A Introductory?

11 Q Hey, I'm Phil Gover. How are you doing.  
12 Here's who I am, here's what tribe I'm with, here's  
13 what I think.

14 Do you remember that e-mail?

15 A Vaguely.

16 Q Let me see if this refreshes your  
17 recollection as to whether that's an e-mail I just  
18 inartfully characterized.

19 (Blackhorse Exhibit 11 marked for  
20 identification, to be attached to the transcript.)

21 MR. RASKOPF: For the record, this is  
22 BLACKHORSE 317, produced out of the files of

1 Ms. Blackhorse.

2 BY MR. RASKOPF:

3 Q Do you remember this e-mail?

4 A Uh-huh. Yes, I do.

5 Q And this e-mail was produced out of your  
6 e-mail files. Right?

7 A I believe so.

8 Q And --

9 A Yes. Yes, it was.

10 Q And you saved this e-mail after Mr. Gover  
11 sent it to you, until you were asked to produce it in  
12 this case. Right?

13 A Yes.

14 Q And you saved it because it had something  
15 to do with this case. Right?

16 A Yes.

17 Q And you knew to do that. Right?

18 A Yes.

19 Q Right. You wouldn't think to delete an  
20 e-mail like this that related to your case. Right?

21 A Again, you know, this is my first time  
22 doing this. And I -- you know, as far as the e-mails



1 go, especially the ones that are way back in 2006, I  
2 don't think that I fully understood my duties in  
3 preserving documents. And I -- I'm glad I saved this.  
4 And -- yeah. Because this kind of seems like a  
5 personal, personal e-mail to me, but ...

6 Q Well, you saved this e-mail. Right?

7 A Yes.

8 Q And did you have a conversation in 2006, at  
9 or about the time that you volunteered to participate  
10 in the petition for cancellation that bears your  
11 name --

12 A Uh-huh.

13 Q -- a conversation with anyone about your  
14 obligation to preserve documents?

15 A What was that, again?

16 MR. RASKOPF: You can read it back to her.

17 (The reporter read the record as follows:

18 "QUESTION: And did you have a conversation  
19 in 2006, at or about the time that you volunteered to  
20 participate in the petition for cancellation that  
21 bears your name --

22 "ANSWER: Uh-huh.

1                   "QUESTION:  -- a conversation with anyone  
2   about your obligation to preserve documents?")

3                   A    I'm not sure.

4                   Q    Do you have a specific recollection of ever  
5   having a conversation with anyone about your  
6   obligation to preserve documents at any time up to  
7   today in connection with this case?

8                   A    I may or may not have.

9                   Q    You don't, as you sit here today, remember  
10   any specific conversation that you had with anyone  
11   concerning your obligation to preserve documents in  
12   connection with this case.  Correct?

13                  A    I don't know.

14                  Q    But you don't remember having a  
15   conversation?

16                  A    I don't remember, but I may have.

17                  Q    You may have or you may not have; you just  
18   don't remember --

19                  A    Yes.

20                  Q    -- as you sit here today?

21                       MR. WITTEN:  What's the time period covered  
22   by your question, Bob?

1 MR. RASKOPF: From 2006 to today.

2 A Oh, until today? Oh, yeah. Yes, I have.

3 Q And when was that?

4 A I have been informed.

5 Q When?

6 A I may have at this time, when -- after --  
7 or when the -- when I got in contact with my lawyers,  
8 but I have.

9 Q You just said you didn't recall having that  
10 conversation in 2006 about this. Right?

11 A I may or may have back then.

12 MR. ROACH: Objection. Asked and answered.

13 MR. RASKOPF: Not yet. There's a lot of  
14 colloquy on the sides going on here that is -- may or  
15 may not have -- be having an impact on these answers,  
16 and that's my concern.

17 BY MR. RASKOPF:

18 Q Now --

19 A I may or may have back in 2006 been  
20 informed my duties to preserve documents.

21 Q You may or may not have?

22 A Yes.

1 Q All right. When --

2 A But --

3 Q -- do you know for sure that you were  
4 informed of a duty to preserve your documents?

5 A Last week.

6 Q Okay. But before that you're not -- you  
7 can't remember --

8 A Yes.

9 Q -- a specific conversation you had about  
10 that duty. Right?

11 A Yes.

12 Q Okay. Did you ever get an e-mail that  
13 confirmed an obligation to preserve such documents?

14 A I don't remember.

15 Q Like a document maybe entitled Document  
16 Preservation Obligations, or anything like that?

17 A I don't remember.

18 Q You don't have one, as far as you know?

19 A I don't have one saved.

20 Q Right.

21 A Yeah.

22 Q You didn't produce one to counsel to put on

1 a privilege log or anything in this case. Right?

2 A Yes.

3 Q All right. Do you know whether from 2006  
4 to the present there have been any documents that have  
5 something to do with this case that you have deleted  
6 from your e-mail?

7 A I may have.

8 Q As you sit here today, do you recall an  
9 e-mail such -- a specific e-mail such as that?

10 A Well, the e-mail -- this one right here.  
11 This one here I may have.

12 Q All right. That is referring to Exhibit  
13 10, for identification.

14 A Yeah. Yes. Because I tried to go back and  
15 look for it and couldn't find it.

16 Q All right. Well, you found --

17 A I found this one.

18 Q -- your response?

19 A Yeah -- no, I found this one.

20 Q Oh, okay. You didn't find your specific  
21 response?

22 A Yeah. This one I couldn't find.

1 Q Okay. So you may have deleted that one?

2 A Yes.

3 Q Okay. What is your practice with respect  
4 to deleting e-mails from your Sent items folder, your  
5 own personal practice?

6 A Uh-huh. Well, I don't normally bother that  
7 folder. I usually, you know, delete stuff that comes  
8 in, you know. But I don't normally bother the Send  
9 folder. Every now and then I'll go in and I'll clean  
10 it out.

11 Q Right. Every now and then you'll go in and  
12 delete stuff in your send folder?

13 A Yes.

14 Q And when you usually delete stuff in your  
15 sent folder, do you ever save any of that?

16 A Yes. Some of them I think are important,  
17 yes.

18 Q But you would have to have a reason to save  
19 something that you otherwise would be deleting from  
20 your sent folder. Right?

21 A Yeah.

22 Q That would be your normal practice?

1           A    Uh-huh.  Yes.

2           Q    Is to delete anything other than something  
3 you knew you had to save.  Right?

4           A    Yes.

5           Q    Okay.  What about your Inbox; what was your  
6 practice with respect to cleaning out your Inbox?

7           A    Well, the e-mails that I didn't need, I  
8 delete.  In connection with this case I had a separate  
9 file where I would send e-mails just to keep.  And if  
10 they're -- yeah.  If I didn't need them, then I would  
11 delete them.

12          Q    So what do you call the separate file that  
13 you have?

14          A    Mascot issue.

15          Q    Mascot issue?

16          A    Uh-huh.

17          Q    Does it have information about this case  
18 and other matters that relate to mascots generally, or  
19 this case only?

20          A    This case and some other cases.

21          Q    And it was you who decided which of the  
22 e-mail that you received in your Inbox that you would

1 put into the mascot folder. Right?

2 A Yes.

3 Q And as far as you recall, until a week ago  
4 you didn't get any advice concerning what should go  
5 into that Inbox insofar as it relates to this case.

6 Correct?

7 A I may have gotten the advice; but, you  
8 know, maybe I wasn't paying attention or -- or what.  
9 But ...

10 Q You don't remember the advice?

11 A I don't remember.

12 Q Okay.

13 A It was a long time ago.

14 MR. RASKOPF: Counsel, the exhibit we've  
15 been discussing, the Gover e-mail, was not produced by  
16 Mr. Gover. I'm sure you're aware of that.

17 BY MR. RASKOPF:

18 Q I'm going to hand you Gover-3 through 8.  
19 Take a moment to look at them, and tell me whether  
20 you've seen them before.

21 MR. RASKOPF: These are the registrations.

22 BY MR. RASKOPF:



1 Q You have seen these before?

2 A Yes.

3 Q What are these?

4 A The registrations of the -- by the  
5 Washington Redskins Football Team.

6 Q And you understand these to be the  
7 registrations that you have challenged. Correct?

8 A Yes.

9 Q The first one is -- which is Number 3, says  
10 at the top, on the right side, has a Registration  
11 Number 836,122. And then says, Registered September  
12 26th, 1967.

13 Do you see that?

14 A Yes.

15 Q So you were born about 15 years after this  
16 mark was registered, if this record is accurate?

17 A Fifteen years.

18 Q And your father was alive when this was  
19 registered. Right?

20 A Yes.

21 Q And other of your -- do you have aunts and  
22 uncles?

1           A    Yes.

2           Q    Okay.  And they were alive when this was  
3 registered.  Right?

4           A    Yes.

5           Q    And do you see down at the very bottom,  
6 there's the name of the person called an examiner?

7           A    Yes.

8           Q    Do you know the role of an examiner?

9           A    No.

10          Q    Have you ever inquired as to what an  
11 examiner does?

12          A    No.

13          Q    Do you have an understanding as to whether  
14 a trademark is reviewed by an official of the United  
15 States Government before it's registered?

16          A    Do I have knowledge of that or --

17          Q    Yeah.

18          A    Yes.

19          Q    You know that?

20          A    Yes.

21          Q    That after an application to register a  
22 mark gets filed, an official of the United States

1 Government reviews the application.

2 You know that. Right?

3 A Yes.

4 Q And do you know that if there's anything  
5 that's objectionable about the mark sought to be  
6 registered, then it can be rejected.

7 Do you know that?

8 A Yes.

9 Q And you know this procedure was in place  
10 for each of the six registrations that issued in this  
11 case. Right?

12 A I didn't know that.

13 Q You did know that?

14 A I did not know that.

15 Q So you only thought it was in place for the  
16 first registration, but not for the second?

17 A No, not for all of them.

18 Q Okay. Which one did you understand the  
19 procedure for --

20 A I understand the procedure. But I didn't  
21 know that each one of these went through that  
22 procedure.

1           Q   Well, each one of them has the name of an  
2 examiner underneath. Right?

3           A   Well, I see that now, yes.

4           Q   Okay. And --

5           A   Actually, this one does not.

6           Q   Which one?

7           A   Exhibit 5. Or am I missing it?

8           Q   You're right. Exhibit 5 doesn't have the  
9 name of an examiner. The others do. Right?

10          A   Yes.

11          Q   And has anyone ever told you that no one  
12 reviewed the Exhibit Number 5?

13          A   No.

14          Q   Are you aware of what happens after a mark  
15 is examined by an examiner in the trademark office?

16          A   Do I know that? No.

17          Q   You don't know?

18                Have you ever heard that any member of the  
19 public is free to challenge a mark after it's approved  
20 by the government, but before it's registered?

21          A   After it's been approved?

22          Q   Yeah. So let's look at this first one,

1 look at the first one with me. Let's go to Number 3.

2 A Uh-huh.

3 Q So after J. Breen, the examiner, examined  
4 it, you're aware -- and approved it, are you aware  
5 that any member of the public was free to challenge  
6 that mark before it was registered?

7 A Did I know that?

8 Q Yes.

9 A No.

10 Q Okay. Are you aware of that now, as  
11 opposed to some earlier time in your life?

12 A No.

13 Q All right. You're still not aware of the  
14 process --

15 A Yes.

16 Q -- after it's approved by an official of  
17 the U.S. Government?

18 A Yes.

19 Q Okay. Have you ever inquired of anyone as  
20 to how the process works?

21 A No.

22 Q Are you aware of, other than the petition

1     that was filed by Ms. Harjo and the petition that was  
2     filed by you, are you aware of any other challenge,  
3     official challenge, that's ever been made to any of  
4     the Washington Redskins' trademark registrations by  
5     any Native American individual or group?

6             A     No.

7             Q     Do you notice the first one, Number 3,  
8     again it says the Redskins? Do you see that?

9             A     Yes.

10            Q     And it's registered -- there's a  
11     qualification about how it's registered. Right? It  
12     says, quote, "For entertainment services."

13                   Do you see that?

14            A     Uh-huh. Yes.

15            Q     Do you understand that that doesn't give  
16     the Redskins the right to -- that doesn't give the  
17     Redskins a registration for anything other than  
18     entertainment services?

19            A     Yes.

20            Q     So in order to have the protection of this  
21     registration, they have to use it for entertainment  
22     services; namely, football exhibitions rendered live

1 in stadia and through the media of radio and  
2 television broadcasts. Right?

3 That's the full recitation of what they can  
4 do?

5 A Yes.

6 Q And if the Redskins use their trademark for  
7 something other than that, then they are not using it  
8 pursuant to or in connection with this federal  
9 registration?

10 Do you understand that?

11 A Yes.

12 Q Do you understand that the Redskins use the  
13 mark "Redskins" to denote their team?

14 Do you understand that?

15 A Denote?

16 Q To denote their team.

17 A To name their team?

18 Q Yeah. Denote is --

19 A Yes. Yes.

20 Q You understand what I say when I say  
21 "denote"?

22 A Yes. Now I do, yes.

1           Q    Okay.  Are you aware of any time that the  
2 Redskins have ever used the term "Redskins" to connote  
3 something?

4           A    What do you mean by that?

5           Q    Do you know what a connotation is?

6           A    Yes.

7           Q    As opposed to a denotation?

8           A    So a connotation mean -- has meaning of  
9 some sort.  Right?

10          Q    Well, different than this is it, this is  
11 our football team.

12          A    Yes.

13               MR. ROACH:  Objection.  Ambiguous.

14 BY MR. RASKOPF:

15          Q    You can answer.

16          A    Rephrase the question.

17          Q    When have the Redskins ever used the mark  
18 "the Redskins" to connote something, as opposed to  
19 denote something?

20               MR. ROACH:  Objection.  Ambiguous.

21          A    Other than using it as a logo?

22               Is that right?



1           Q    Yeah.  Other than using it to refer to  
2 themselves.

3           A    Well, hasn't the Redskins said that they  
4 are trying to honor Native people with the -- with the  
5 name?

6           Q    So your answer is yes?

7           A    Yes.

8           Q    Is that what you're saying?

9           A    Yeah.

10          Q    So it does mean something more than just to  
11 denote something, which is the team.  Right?

12          A    Yes.

13          Q    They're saying that they use it to honor  
14 Native Americans?

15          A    Yes.  And to also give the impression to  
16 the opposing team that they are fierce and  
17 warrior-like.

18          Q    You've seen them say that about why they  
19 use the word "Redskins"?

20          A    I haven't seen them say that.  But that's  
21 the connotation, that's what -- that's what they're  
22 trying to portray.

1           Q    You think that's what they're trying to  
2    portray?

3           A    Yes.

4           Q    When they use "Redskins"?

5           A    Yes.

6           Q    You mean that's how you take it, or you  
7    think that's how they're sending it?

8           A    That's how they are sending it.

9           Q    And that's offensive to you?

10          A    Very offensive.

11          Q    Now, the registrations here, five of the  
12   six -- yeah, I'm sorry, five of the six registrations  
13   occurred before you were born. Right?

14          A    Yes.

15          Q    And that's all but the Redskinettes  
16   registration. Right?

17          A    What was that?

18          Q    That's all of them but the Redskinettes  
19   registration. Right?

20          A    Yes.

21          Q    That's Number 8.

22          A    Yes.

1 Q Gover Number 8.

2 Have you ever seen the Washington  
3 Redskinettes perform?

4 A Yes.

5 Q When?

6 A I don't know.

7 Q How old were you approximately when you saw  
8 them perform?

9 A I don't remember.

10 Q Did you see them perform on TV?

11 A Yes.

12 Q Did you ever see them perform anywhere  
13 other than on --

14 A I -- I believe it was -- I believe that was  
15 them, but I could be wrong.

16 Q Okay. So you have a specific instance in  
17 mind?

18 A Yes.

19 Q Okay. Please recall or recount the  
20 specific instance.

21 A I don't remember.

22 Q Well, what do you remember that caused you

1 to say that you recall the specific instance?

2 A Say that again?

3 Q What do you remember that caused you to say  
4 that you recall the specific instance?

5 MR. RASKOPF: Withdrawn.

6 BY MR. RASKOPF:

7 Q You say, I have in my mind a specific  
8 instance when I saw what I think was the Washington  
9 Redskins' cheerleaders performing. Right?

10 A Uh-huh; yes.

11 Q But I don't remember the specific incident.  
12 Right?

13 A Yes.

14 Q So then I said, Well, how did you get  
15 that -- what's in that --

16 A I remember --

17 Q -- first initial recollection? Put that on  
18 the table, if you would.

19 A Well, I remember seeing some women who were  
20 half dressed and jumping around with pom poms or  
21 whatever. I remember that. I don't remember where.

22 Q And you don't remember where and you don't

1 remember when and you don't remember who?

2 A Yes.

3 Q You're not sure it's the Redskins  
4 cheerleaders?

5 A I looked it up online before.

6 Q You looked what up online before?

7 A The Redskins, the Redskinettes.

8 Q Oh, okay.

9 A Yes.

10 Q When did you look up the Redskinettes  
11 online?

12 A I would say just doing some research.

13 Q Was it before or after you filed the  
14 petition?

15 A It was before I filed the petition and  
16 after.

17 Q Okay. So you've done some research over  
18 the course of the years in connection with the  
19 Washington Redskins cheerleaders?

20 A Uh-huh. Yes.

21 Q This is separate and apart from watching  
22 some --

1 A Yes.

2 Q -- people perform?

3 A And seeing something on TV, yes.

4 Q Okay. So now what do you remember about  
5 the online views that you've had of the Washington  
6 Redskinettes?

7 A Group pictures of them.

8 Q Photographs?

9 A Yes, photographs of them online.

10 Q Anything else?

11 A That's about it.

12 Q And in the online pages that you saw, did  
13 you notice that they were associated with the  
14 Washington Redskins?

15 A Did I know that they were associated with  
16 the --

17 Q Yes.

18 A Yes.

19 Q You knew they were an arm of the Redskins.  
20 Right? They were part of the Redskins organization.

21 Right?

22 A Yes.

1           Q    All right.  And you had a reaction to  
2   seeing these photographs?

3           A    Yes.

4           Q    And what was the reaction that you had?

5           A    The costumes that they were wearing to me  
6   were inappropriate and were disrespectful and  
7   demeaning to Native women.

8           Q    And how was that?

9           A    Because they mocked Native -- they mocked  
10   the way that the -- the way that supposedly Native  
11   women or Native people dress.

12          Q    You mean they weren't real Native American  
13   costumes?

14          A    No.  Absolutely not.

15          Q    And that's your objection?

16          A    Yes.

17               And I -- I -- I think it gives a -- I think  
18   it perpetuates the idea that Native women are  
19   supposedly provocative or sexually provocative women.  
20   And especially in their dress.  And they are using  
21   Native costumes to give the idea that -- to give a  
22   stereotypical idea of what Native people are like.

1           Q    So have you ever seen the Dallas Cowboy  
2 cheerleaders?

3           A    Yes.

4           Q    You've seen the costumes they wear?

5           A    Yes.

6           Q    Are they equally sexually provocative as  
7 the Washington Redskins costumes, as far as you're  
8 concerned?

9           A    Well, there's two different things.  
10 There's the sexually inappropriate behaviors and the  
11 dress that both teams use, which I think is demeaning  
12 to women.

13                   But what I'm more concerned with is that  
14 they are mocking the -- the Redskinettes are mocking  
15 the way that they believe or the way that Native  
16 women -- Native women especially look.

17           Q    When you first learned of each of the uses  
18 that are shown in these registrations, when did you  
19 first learn that this mark --

20           A    About these?

21           Q    -- of the Redskins was used, Number 3?

22           A    In 2006.



1           Q    Okay.  So before that you didn't know that  
2   this Number 3 --

3           A    Before that I knew of Exhibit 4, Exhibit 5,  
4   and Exhibit 7.

5           Q    Right.  So you knew -- let's go to 4.

6           A    Yes.

7           Q    Let's go to 4.  So 4 is for the Washington  
8   Redskins.

9           A    Uh-huh.

10          Q    So you knew a long time ago that Washington  
11   Redskins was used by the Washington Redskins.  Right?

12          A    Yes.

13          Q    And also the word "Redskins" was used by  
14   the Washington Redskins; you've known that for a long  
15   time.  Right?

16          A    Yes.

17          Q    All right.  Suzan Harjo organized the group  
18   of people who filed your lawsuit.  Right?

19          A    Did she organize it?

20          Q    Yeah.

21          A    Well, I don't know her -- her relationships  
22   with the other petitioners.  I know that I got to know

1 Suzan in 2006, and I decided to take part.

2 Q You know that from time to time she would  
3 send out e-mails to all of you as a group?

4 A Yes.

5 Q And you know that -- whether she sent  
6 questionnaires to each of you as a group?

7 A What was that?

8 Q Do you know whether she sent questionnaires  
9 to each of you, just like the one that she sent to  
10 you?

11 A I don't recall any questionnaires besides  
12 the one that we discussed earlier.

13 Q Right. So are you aware that she also sent  
14 a series of questions to all of the petitioners in  
15 this case?

16 A I have no idea of that.

17 Q All right. Do you know that she has  
18 represented in public that she organized the  
19 petitioners in your case?

20 A I may have seen something out there.

21 Q And that wouldn't surprise you, that she  
22 said that about herself. Right?

1           A    No, no.

2                   MR. RASKOPF:  I have no further questions  
3 of this witness at this time.

4                   MR. WITTEN:  We're going to take a quick  
5 break, then we'll get back.

6                           (Short recess.)

7           EXAMINATION BY COUNSEL FOR PETITIONERS

8 BY MR. ROACH:

9                   Q    Ms. Blackhorse, do you remember that  
10 Mr. Raskopf asked if you prepared the interrogatory  
11 answers yourself?

12                  A    Mr. Raskopf?

13                  Q    Mr. Raskopf.

14                  A    Oh, yeah.  Yes.  Sorry.

15                       MR. RASKOPF:  That's me.

16                  A    Yes.

17 BY MR. ROACH:

18                  Q    Did your lawyers help you prepare your  
19 answers?

20                  A    Yes.

21                  Q    Why did you say that you prepared them by  
22 yourself?

1           A    Because -- because they are part of my --  
2 my case. And -- yes.

3           Q    Are you an expert in opinion polls?

4           A    No.

5           Q    Is this your first time in a lawsuit or a  
6 litigation?

7           A    Yes.

8           Q    You have never participated in a lawsuit  
9 before?

10          A    No.

11          Q    Could you describe your membership in an  
12 Indian tribe.

13          A    Yes. I am enrolled in the Navajo Nation.  
14 We call ourself Diné, D-I-N-É, hyphen, or what's that  
15 called, the little mark on top of the E. Diné. And  
16 we are a federally recognized tribe. And my mother's  
17 clan is the Ashii, which is salt clan. And my  
18 father's clan is Tachiinii, which is red streaking  
19 into the water clan. And my maternal grandfather is  
20 Tsinagini, I don't have a translation for that. And  
21 my paternal grandfather is Ashii as well, which is  
22 salt clan. That's how we identify ourselves, where we

1       come from.

2               Q     So you are a Native American person?

3               A     Yes, I am.

4               Q     And do you consider Redskins on the  
5 relevant marks from Pro-Football, Incorporated, to be  
6 a derogatory term referring to Native Americans?

7               A     Yes, I do.

8               Q     And does it offend Native Americans?

9               A     Yes, it does.

10              MR. ROACH: I have no further questions.

11              MR. RASKOPF: I have one follow-up.

12              EXAMINATION BY COUNSEL FOR REGISTRANT

13              BY MR. RASKOPF:

14              Q     You said the lawyers helped you prepare the  
15 petition. Right?

16              A     Uh-huh.

17              Q     That was in response to a direct question  
18 from your lawyer?

19              A     Yes.

20              Q     What did they do to help you prepare?

21              A     What did they do to help me prepare the  
22 documents?

1 Q Yes. Right.

2 MR. ROACH: Objection. Privileged.

3 MR. RASKOPF: You waived it.

4 BY MR. RASKOPF:

5 Q What help did they give you in preparing  
6 the petition?

7 A Direction in the legal, legal issues, legal  
8 wording.

9 Q What about the interrogatories? Same  
10 question.

11 A The objections and -- so what help they  
12 provided me. Right?

13 Q Right.

14 A Okay. In drafting it.

15 Q Right. And they drafted some of it to show  
16 you for you to review. Right?

17 A I --

18 THE WITNESS: Is that privileged?

19 A I provided my information in what I feel  
20 needs to go in there, and they drafted it.

21 Q All right. So you gave them some  
22 information about yourself, and then they drafted

1 something for you to review. Is that right?

2 A Yes.

3 Q And the legalese in these documents you  
4 didn't draft?

5 A I gave them the information, and they  
6 provided a legal document.

7 Q But I mean you didn't give them any  
8 information, for example, about the earlier Harjo  
9 case. Right?

10 MR. ROACH: Objection. Privileged.

11 MR. RASKOPF: Are you instructing her not  
12 to answer, or are you just stating the objection?

13 MR. ROACH: Stating the objection.

14 BY MR. RASKOPF:

15 Q You may answer.

16 A So -- okay. So then you said did I give  
17 them any information about the Harjo case?

18 Q Yeah. There's information in this petition  
19 about the Harjo case. Right? You didn't give that to  
20 them. Right?

21 A Let me see the petition again.

22 Q Here it is.

1           A    Did I give them information about the Harjo  
2 case?

3           Q    Yes.

4           A    Yes, I did.

5           Q    You did. And what information did you  
6 give -- well, okay.

7           MR. RASKOPF: I have no further questions.

8           (Signature having not been waived, the  
9 deposition of AMANDA LEEH BLACKHORSE was concluded at  
10 1:58 p.m.)

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ACKNOWLEDGMENT OF DEPONENT

I, AMANDA LEEH BLACKHORSE, do hereby  
acknowledge that I have read and examined the  
foregoing testimony, and the same is a true, correct  
and complete transcription of the testimony given by  
me and any corrections appear on the attached Errata  
sheet signed by me.

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(NOTARY PUBLIC)

CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

I, Debra Ann Whitehead, the officer before whom the foregoing proceedings were taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 30th day of June, 2011.

My commission expires September 14, 2013.

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NOTARY PUBLIC IN AND FOR  
THE DISTRICT OF COLUMBIA

IN RE: Blackhorse, et al. -v-  
Pro-Football, Inc.

[illegible]

(DATE) AMANDA LEEH BLACKHORSE

1           E R R A T A   S H E E T   C O N T I N U E D

2           IN RE:   Blackhorse, et al. -v-

3                       Pro-Football, Inc.

4       PAGE        LINE       CORRECTION AND REASON

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22                (DATE)                       AMANDA LEEH BLACKHORSE